

**Date:** August 3, 2017  
**To:** Planning and Zoning Commission  
**From:** Planning Staff  
**Subject:** Proposed revisions to the Zoning Ordinance and the Official Zoning Map

**Recommendation:**

Approve, by motion, Resolution No. 2017-04; a Resolution of the Planning and Zoning Commission of the Town of Superior recommending that the Town Council Repeal Ordinance No. 14-124 and replace it with Zone Change No. 17-01.

**Project Analysis:**

Listed below are the draft revisions to the Town's Zoning Ordinance and Official Zoning Map. Article XI has been revised to re-instate the Manufactured Home (MH) Overlay Zone District. To keep it brief, only changes proposed are listed below.

Since the Planning and Zoning Commission meeting on June 1, 2017, the following items have been added to the zoning text:

1. Section 3.10 (Design Review) has been revised to require design review for any new construction, or for an existing building adding more than 50% in size to that building. The requirements of the Subdivision Ordinance (Section 6.F. Architecture Requirements) shall apply unless there is a conflict with Section 3.10 (Design Review) of the Zoning Ordinance. In that instance the requirements of Section 3.10 shall prevail.
2. Cemeteries have been added to Section 10.2.B (Open Space Recreational) as a conditionally permitted use.
3. Section 13.9 E. has been revised where fences and walls in the front yard setback area may be 42 inches high provided that visibility over 36 inches high is unobstructed.
4. Section 17.4.B.3.c. and Section 17.4.C.5.c. is changed to read: Banners which advertise a Town-authorized special event, a community-wide event, or a community message may be hung on the bridge at Hwy 177 and US 60 with an approved Special Event Permit.

Wording that is struck-through is to be eliminated, wording that is to be added is indicated in bold, italicized print, and all other wording remains unchanged.

**ARTICLE I –TITLE, PURPOSE, AND SCOPE**

**§ 1.1 PURPOSE AND INTENT**

- B.** This ~~Zoning~~ Ordinance establishes procedures, offices, boards, and commissions for the enforcement, interpretation, and processing of ***zoning*** amendments, variances, special and conditional use permits, ***site plan review***, appeals, and for violations and penalties for infractions of these zoning regulations.
- C.** All buildings, structures, and uses of land, constructed, altered, or developed, shall be subject to all applicable provisions of this ~~Zoning~~ Ordinance.

- D. All changes to distinguishing traits or primary features or the use of a building or land, as evidenced by increased parking requirements, change of occupancy, change of outside storage, or other features, occurring to existing properties after the effective date of this ~~Zoning~~ Ordinance, shall be subject to all provisions of this ~~Zoning~~ Ordinance. The use of a building or land shall refer to the primary or specific purpose for which the building or land is occupied, designed, intended, or maintained.

## **§ 1.2 FILING FEES**

The Town Council may from time to time establish and set by resolution the amount of charges for all planning and zoning applications within the jurisdiction of the Town. The developer/applicant shall, at the time of filing, pay to the Town those established planning, and zoning fees. These fees ~~are~~ *have been established to cover processing fees costs, whether or not a permit application has been approved,* and shall be nonrefundable.

## **§ 1.3 INTERPRETATION**

- B. It is not the intention of this ~~Zoning~~ Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those zoning and building ordinances specifically repealed by this Ordinance, or with restrictions placed upon property by covenant, deed, easement, or other agreement between parties, provided that where this Ordinance imposes higher standards or a greater restriction on land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract, or deed, the provisions of this Ordinance shall prevail.
- C. This ~~Zoning~~ Ordinance supersedes any other Zoning Ordinance previously adopted by the Town of Superior.

## **§ 1.4 APPLICABILITY**

- B. All conditional uses which have been legally approved and established shall be permitted to proceed under such approvals, provided that the person, firm, or corporation that obtained such conditional uses have also obtained building permits for *the* buildings and structures to be constructed and have *begun substantial* construction within twelve (12) months of the approved conditional use, unless the *Planning Commission approval of* such conditional use ~~had~~ *was either granted* a longer period of time *or, upon request of the applicant, was granted an extension of time.*

## **§ 1.5 ENFORCEMENT**

This Ordinance shall be enforced by the Zoning Administrator, who shall in no case grant permission for the issuance of any permit for the construction, reconstruction, alteration, demolition, movement or use of any building structure, lot, or parcel if the Zoning Administrator determines that the building structure, lot or parcel as proposed to be constructed, reconstructed, altered, used, or moved would be in violation of the provision of this Ordinance, unless directed to issue such permit by the granting of a variance by the ~~Town Council~~ *Board of Adjustment*, ~~after receiving and reviewing a recommendation by the Planning and Zoning Commission for said variance.~~

**§ 1.6 VIOLATIONS AND PENALTIES**

- C. It shall be unlawful, and considered a public nuisance per se, to make use of any lot, parcel or piece of property in such a way as to conflict with the provisions of this Ordinance. Likewise, it shall be in violation of this Ordinance to erect, construct, reconstruct, alter or use a building or any other structure, or to use real property that does not conform to the criteria set forth in this Ordinance. The Town Manager, or his designee, shall enforce the provisions of this Ordinance. Any permit, certificate or license issued in conflict with the provisions of this Code shall be void. To provide for the enforcement of this Code, the Town may withhold all building permits and/or conditional use permits for properties on which a use of the property, building or any other structure exists which do not meet the standards of this Ordinance.*
- D. A Zoning Administrator shall investigate and report on all notices of zoning violations. The Hearing Officer shall hear and determine zoning violations. Individuals determined by the Hearing Officer to be violating any provisions of this Ordinance shall be responsible for a zoning violation that is punishable by a civil sanction not to exceed the equivalent of a maximum fine of a Class 2 misdemeanor for each violation pursuant to A.R.S. § 9-240.*

**§ 1.7 HEARING OFFICER**

- A. The Town Council shall appoint the Town Manager, or his designee, as the Hearing Officer to hear and determine violations of this Ordinance and other code violations. The Hearing Officer may have other responsibilities pursuant to other sections of this Code, but shall not be the Town Zoning Administrator.*
- B. An administrative review of decisions of the Hearing Officer by the Town Council shall be available to any party to the hearing. Any appeal of the Town Council's decision shall be filed in Pima County Superior Court.*

**§ 1.8 ZONING ENFORCEMENT OFFICER**

- A. The Zoning Enforcement Officer is the Town's Zoning Administrator or his or her designee.*
- B. The Zoning Enforcement Officer shall review all reported violations of this Ordinance. Upon receiving a report of a zoning violation, the Zoning Enforcement Officer shall inspect the site of the alleged violation. During an inspection, the Zoning Enforcement Officer shall take careful and comprehensive notes as to condition and existing uses of the subject property, location, property owner and address, and specific section(s) of this Ordinance corresponding to the alleged violation.*
- C. Should the Zoning Enforcement Officer determine that a violation is occurring on the subject property, he or she shall serve notice to the property owner/alleged violator of the violation. The notice of violation shall cite the nature of the violation, the section of this Ordinance violated, information of possible penalties if violation has not ceased, steps necessary to bring the subject property into compliance with the zoning regulations, and a reasonable time frame in which all necessary actions should be completed to correct the noticed violation.*

- D. *Re-inspection shall occur after the given deadline to comply. If the violation still exists at this time, a second notice shall be given to the property owner/alleged violator. The second notice of violation shall set a final deadline for compliance not to exceed two (2) weeks. If the Zoning Enforcement Officer is convinced an attempt is being made in the correction of the violation, an additional extension not to exceed thirty (30) days may be granted.*
- E. *If all reasonable attempts by Zoning Enforcement Officer fail to resolve the violation within the time specified in the second notice, or by the deadline of any extension, a citation shall be issued for each specific section of this Ordinance which has been violated. The Town shall use reasonable efforts to personally serve the citation on the alleged violator by the Zoning Enforcement Officer at least seventeen (17) days prior to the hearing. If the Zoning Enforcement Officer is unable to personally serve the citation, the citation may be served in the same manner prescribed for alternative methods of service by the Arizona Rules of Civil Procedure. Violations for which citations are issued shall be scheduled for a hearing before the Town Hearing Officer. If a citation is served upon an alleged violator other than by personal service (i.e., certified mail with return receipt), the hearing shall be set for a date no sooner than thirty (30) days from the date indicated on the certified mail receipt. A notification of the specific time and date by which the alleged violator must appear at the Hearing Office to submit a plea shall be enclosed with the citation.*

§ 1.9 **HEARING OFFICER PROCEDURE**

A. **Commencement**

1. *Every action or proceeding brought before the Hearing Officer for a violation of this Ordinance shall be commenced by the filing of a citation by the Zoning Enforcement Officer. No notice shall be deemed insufficient for failure to contain a definite statement of the essential facts constituting the specific violation if the notice contains either a written description or reference to the applicable section of this Ordinance.*
2. *Pursuant to § 1.7 of this Code, the alleged violator or his or her attorney shall appear in front of the Hearing Officer by the date and time specified in the notice accompanying the Code citation, and may admit responsibility by appearing in person or by mailing to the Hearing Office an appearance form provided by the Hearing Officer or in lieu of such form, a short statement signed by the alleged violator or his or her attorney, admitting the allegations of the notice. Once a formal admission of responsibility is received by the Hearing Officer, the Hearing Officer shall set a time and place for the determination of the penalty for the violation. At the Hearing Officer's meeting, both the alleged violator and Zoning Enforcement Officer shall be given an opportunity to state their positions on the amount of the penalty to be imposed by the Hearing Officer.*

B. **Counsel**

1. *Pursuant to § 1.7 of this Ordinance, the alleged violator or his or her attorney shall appear at the Hearing Office by the date specified in the notice accompanying the Code violation citation and may deny responsibility by appearing in person or by mailing to the Hearing Officer an appearance form provided by the Hearing Officer, or in lieu of such form, a denial signed by the*

*alleged violator or his or her attorney. Once a formal denial is received by the Hearing Officer, the Hearing Officer shall schedule the matter for hearing and notify the alleged violator, or his or her attorney, of the date, time and place for the hearing.*

2. *Upon appearance, it shall be the responsibility of the alleged violator or his or her attorney to notify the Hearing Officer of an incorrect address or any different address than what is set forth on the citation.*
  - a. *After the submittal of formal denial, the Hearing Officer shall promptly notify the alleged violator of his or her right to be represented by counsel. The alleged violator must notify the Hearing Officer in writing at least ten (10) days prior to the hearing date of his or her choice to be represented by counsel. The Hearing Officer may move to continue a hearing if the alleged violator does not make notification of his or her decision to secure counsel within the aforementioned time frame.*
  - b. *If the alleged violator fails to appear by the date and time specified in the notice accompanying this Ordinance violation citation, the allegations filed against the alleged violator shall be deemed admitted, and the Hearing Officer shall enter judgment for the Town and impose a penalty, subject to this Ordinance.*
  - c. *The Town does not need to be represented by counsel at the Hearing Officer's meeting. Should the Town elect to secure counsel, the Town must, in writing, notify the Hearing Officer and the alleged violator at least ten (10) days prior to the hearing of the Town's decision to be represented by counsel.*
  - d. *Within ten (10) days prior to the hearing, both parties shall produce for inspection by the opposing party a list of all witnesses and any prepared exhibits to be on file at the Hearing Office. Failure to comply with this provision may result in the granting of a continuance to permit such inspection or denial of the admission of the evidence, at the Hearing Officer's discretion.*

C. Hearing Officer Meeting

1. *The order of the Hearing Officer proceeding shall be as follows:*
  - a. *The Hearing Officer shall call the case and briefly describe the procedures to be followed;*
  - b. *Town's statement;*
  - c. *Testimony of the Town's witness, if any;*
  - d. *Respondent's statement;*
  - e. *Testimony of the respondent's witnesses, if any;*
  - f. *Testimony of other attendees, at the discretion of the Hearing Officer;*
  - g. *Respondent's rebuttal;*
  - h. *Town's rebuttal;*
  - i. *Cross-examination of witnesses shall be strictly limited to subjects and/or evidence elicited during direct testimony;*

- j. *Closing statement of the parties or their counsel; and*
  - k. *Ruling by the Hearing Officer. At the conclusion of the hearing, the Hearing Officer shall determine whether a violation of this Ordinance exists and, if a violation is found to exist, may impose civil penalties in accordance with this Ordinance. A ruling shall include the findings, conclusions and opinions of the Hearing Officer.*
2. *At the discretion of the Hearing Officer, a hearing may be continued for a period not exceeding sixty (60) days if it appears that the interests of justice so require. The Hearing Officer shall not continue a hearing without first giving notice to both parties. The Hearing Officer shall notify both parties in writing of the new hearing date.*
  3. *The Hearing Officer may question witnesses or representatives of either party.*
  4. *The Arizona Rules of Evidence shall not apply before a Hearing Officer. Any evidence offered may be admitted, subject to a determination by the Hearing Officer that the offered evidence is relevant.*
  5. *Audio recordings of the hearing shall be made and kept on record at the Hearing Office for a period of one (1) year. In addition, a record of the proceedings may be made by a court reporter if requested by the alleged violator at the alleged violator's expense.*
  6. *If the alleged violator fails to appear at the time set for the hearing, the alleged violator shall be found to be in violation of this Ordinance, and the allegations filed against the violator shall be deemed admitted, and the Hearing Officer shall enter finding for the Town and may impose civil sanction and report such judgment to the Zoning Enforcement Officer.*
  7. *If no witness for the Town, excluding the alleged violator, appears at the set time for the hearing, the Hearing Officer shall dismiss the citation unless the Hearing Officer, for good cause shown, continues the hearing to another date.*
  8. *At any time, the Hearing Officer may set aside a finding entered upon a failure to appear if it is deemed by the Hearing Officer that the alleged violator was not served a citation, or for any other reason where necessary to prevent an injustice.*

**D. Finding of responsibility/civil sanctions**

1. *If the alleged violator, after the hearing, is found responsible for the zoning violation, the Hearing Officer shall enter a finding for the town, and may impose a civil sanction not to exceed the equivalent of a maximum fine not to exceed \$750.00 per violation, per day.*
2. *The Hearing Officer shall levy an initial fine reflecting a penalty for the existing violation situation. The Hearing Officer has the option of suspending the initial fine should extenuating circumstances exist.*
3. *A non-compliance and daily penalty schedule shall be outlined in the judgment to accrue should the violation not be abated by the compliance date specified by the Hearing Officer.*

4. *The Hearing Officer may attach a penalty for “recurrence” to a parcel for maximum of two (2) years from the hearing date. Said penalty shall be levied if a violation of the same section of this Ordinance, as addressed in the Hearing Officer’s proceedings, occurs within the specified time period. A recall notice shall be served and the alleged violator shall be scheduled to appear at the earliest possible hearing date.*
5. *The following guidelines shall be utilized when assessing penalties:*

	<b>Use Type</b>	
	<b>Residential/ Agricultural</b>	<b>Commercial/ Industrial</b>
<b>Minimum Penalty</b>		
<b>Daily</b>	<b>\$20</b>	<b>\$60</b>
<b>Initial</b>	<b>\$100</b>	<b>\$300</b>
<b>Non-compliance</b>	<b>\$200</b>	<b>\$600</b>
<b>Recurrence</b>	<b>\$300</b>	<b>\$500</b>
<b>Maximum Cumulative Amount of Daily Penalty</b>	<b>\$1,500</b>	<b>\$10,500</b>

**NOTE TO TABLE**

*A maximum penalty of \$750.00 per day per violation is allowed in accordance with a Class 2 Misdemeanor, subject to A.R.S. §§ 9-500.214 and 9-240.*

6. *Should the daily penalty balance exceed \$1,500.00 for agricultural/residential use, or \$10,500.00 for commercial/industrial use, the matter shall be forwarded to the Town Attorney for further legal action.*
7. *The alleged violator, if found responsible for a violation of this Ordinance and penalized with a civil sanction, shall not be relieved from the responsibility of correcting any prohibited condition. Unless an administrative review with the Town Council is scheduled within seven (7) days from the date of the hearing, the defendant shall correct the zoning violation within thirty (30) days from the date of the hearing.*

**§ 1.10 ADMINISTRATIVE REVIEW BEFORE THE TOWN COUNCIL**

- A. *Any party may apply for an administrative review to the Town Council for the final finding of the Hearing Officer. A written notice of the administrative review shall be filed with the Hearing Officer within seven (7) days after the Hearing Officer’s finding.*
- B. *The notice of administrative review shall identify the finding(s) that are to be reviewed. It shall be signed by the requestor or the requestor’s counsel, and shall contain the names, addresses and telephone numbers of all parties and their attorneys. When a party requests an administrative review, the Hearing Officer shall send a copy of the notice of administrative review to the other party or his or her attorney.*

- C. *Administrative reviews shall be limited to the record of the proceeding before the Hearing Officer, and no new evidence may be introduced. The record of the proceedings shall include all materials in the Hearing Officer's file, all evidence admitted at the hearing, and the official record as per § 1.8.C.5 of this Ordinance.*
- D. *Upon receiving the notice request for administrative review, the Hearing Officer shall, within thirty (30) days, prepare and transmit the record and schedule the administrative review before the Town Council.*
- E. *The parties may stipulate that the administrative review may be heard on less than a complete record or upon stipulated facts. The designation of the stipulated record shall be in writing, filed with the Hearing Officer within fifteen (15) days after the notice of administrative review.*
- F. *Upon sending the record to the Town Council, the Hearing Officer shall notify both parties that they have five (5) days from the date of the letter to submit a memorandum stating the party's position to be submitted at the Town Counsel's hearing. The memorandum shall be submitted to the Town Clerk and shall not exceed five (5) pages in length.*
- G. *A notice of administrative review before the Town Council shall be posted at least twenty-four (24) hours prior to the administrative review. The Hearing Officer shall mail a notice of the administrative review to both parties not less than five (5) days prior to the meeting.*
- H. *The Mayor shall preside at the administrative review and shall decide on all questions pertaining to procedure. Final decisions on the merits of the case shall be made upon motion and majority vote of the quorum.*
- I. *At the Town Council's administrative review, arguments on appeal shall be limited to five (5) minutes for each party unless extended by the Mayor.*
- J. *After consideration of the merits of an administrative review, the Town Council may increase, decrease or modify any sanction imposed by the Hearing Officer and may:*
  - 1. *Affirm the action of the Hearing Officer;*
  - 2. *Affirm in part and reverse in part and, if necessary, remand for further proceedings; or*
  - 3. *Reverse the action of the Hearing Officer and, if necessary, remand for further proceedings.*

#### **§ 1.11 RECALL**

- A. *Recall of a case may occur when the conditions and/or compliance time frame have not been met by the alleged violator. The Hearing Officer's case is considered to be an open case until complete compliance has been reached as outlined in the Hearing Officer's judgment.*



- B. *In the event that there is a penalty for recurrence, a recall notice may be served in accordance with the procedures indicated in division (C) below, only if the term of the recurrence penalty has not expired.*
- C. *Service of the recall notice shall be completed in person, by certified mail, or alternate methods of service as prescribed in the Arizona Rules of Civil Procedure, not less than fourteen (14) days prior to the hearing date.*

**§ 1.12 SEVERABILITY**

*If any part of this Ordinance is found to be invalid or unconstitutional by any court, such action shall not apply to the Ordinance as a whole, but only to that specific part, and shall not affect the validity of the remaining portions or provisions of this Ordinance.*

## **ARTICLE II – ADMINISTRATION**

**§ 2.1 Planning and Zoning Commission**

§ 2.1.E.6: ~~To serve as an advisory body to the Town Council~~ act upon such matters as applications for ***Conditional Use Permits, Temporary Use Permits, Design Review***, and any other permit or review process pursuant to the provisions of this Ordinance.

## **ARTICLE III – ZONING PROCEDURES**

**§ 3.1 NOTIFICATION FOR PUBLIC HEARINGS**

- A.1 The notice shall be published at least once in a newspaper of general circulation published or circulated in the Town. ~~and shall be posted on the affected property in such a manner as to be legible from the public right of way. A posted notice shall be printed so that the following are visible from a distance of one hundred (100) feet the word "zoning," the present zoning district classification, the proposed zoning district classification, and the date and time of the public hearing.~~

**§ 3.2 ZONING TEXT AMENDMENT AND ZONING CHANGES**

- A. **Purpose:** In accordance with the provisions of Arizona State Law, the Town Council may from time to time adopt text amendments to this Ordinance and/or amend the Official Zoning Map(s). Such amendments or changes may be initiated by the Town Council, Planning and Zoning Commission, Town staff, ***or property owners subject to § 3.2.C and/or § 3.2.D of this Article.***
- B. **Application:**
  - 1. Only those uses that are enumerated as conditional uses in a zoning district, as set forth in this Ordinance, shall be authorized by the ~~Town Council~~ ***Planning and Zoning Commission.*** A conditional use permit shall not be required for a use allowed as a permitted use in a given zoning district. No conditional use shall be established until a site plan and/or a description of the proposal has been approved in accordance with the provisions of this Article.

### § 3.4 TEMPORARY CONDITIONAL USE PERMITS

- A. **Purpose:** A Temporary ~~Conditional~~ Use Permit is a mechanism which, if approved, *with or without conditions of approval*, would allow a temporary use, not otherwise permitted, to locate within the Town on a short-term basis. Such a permit may also allow seasonal or transient uses not otherwise permitted. Prior to conducting or establishing a temporary use, approval of a Temporary ~~Conditional~~ Use Permit by the Planning and Zoning Commission ~~Town Council following review of a recommendation by the Planning and Zoning Commission~~ is required.
- D. **Procedures:** All temporary conditional use permits shall be reviewed and acted upon by the ~~Town Council, following a recommendation by the~~ *Planning and Zoning Commission*, ~~directly~~ after proper notification as prescribed in § 3.1 of this Ordinance.
- E. **Approval Criteria:** The ~~Town Council~~ *Planning and Zoning Commission* may approve an application for a Temporary ~~Conditional~~ Use Permit based on the review criteria outlined in § 3.3. of this Ordinance.

### § 3.5 SPECIAL EVENT PERMITS

*Eliminate this entire section and reference Article 8-3, § 8-3-3 and § 8-3-4 of the Town Code.*

### § 3.6 HOME OCCUPATIONS

- A. **Purpose:** A home occupation, ~~consistent and in accordance with §3.3 (Conditional Use Permits) and §3.1 (Notification for Public Hearings)~~ shall be considered a ~~conditionally~~ permitted accessory use in all residential districts, provided that they are operated and maintained to not interfere with the peace, quiet, and dignity of the neighborhood, *and* if it complies with the following regulations:
- B. **Conditionally Permitted Uses:** The following examples are uses which would be acceptable as home occupations provided they comply with the above regulations. Any use not identified as permitted or prohibited shall be brought before the Planning and Zoning Commission. The Commission will then make a determination as to what category the proposed use falls under.
- C. **Prohibited Uses:** ~~Prohibited uses for a home occupation shall include, but not be limited to the following:~~ *Any use not mentioned in § 3.6.B. of this Ordinance including, but not limited to the following uses shall be prohibited for a home occupation.*
- D. **Violations:** Any violation of the above conditions shall constitute just cause for the immediate termination of the home occupation use. Complaints by citizens or local residents *indicating that the above referenced conditions of approval are not being met* may be cause for termination of the home occupation use.

### § 3.8 VARIANCES

- D. **Validity Limit:** Rights and privileges established by the granting of a variance shall be exercised within one (1) year following the date of approval unless a different time limit

is specified by the ~~Council~~ **Board of Adjustment** at the time the variance is granted. Failure to exercise a variance within the time limits specified shall cause the variance to become null and void.

### **§ 3.10 DESIGN REVIEW**

- B. Projects Requiring Design Review:** ~~No building permit for residential or commercial development, except for single family detached units and duplexes, shall be issued until the proposed project has received, as part of the building permit review process, design review approval pursuant to the provisions of this Article. Design review shall be required and approved prior to construction of any new building, or for any existing building adding more than fifty (50) percent in size to the existing building. In addition to the requirements set forth in § 3.10 of this Ordinance, the requirements of § VI of the Town's Subdivision Ordinance, specifically § VI, 6 F. (Architecture Requirements) shall apply. Whenever there is a conflict between § 3.10.B. of this Ordinance and Article VI (Subdivision Design Standards) of the Subdivision Ordinance, the provisions of this Ordinance shall apply.~~

### **§ 3.11 GENERAL PLAN AMENDMENT**

- C. Major Amendment Criteria:** As per § F.3 of the Town's General Plan Update adopted December 18, 2003 ~~February 19, 2009.~~

### **§ 3.13 MOBILEHOME PARKS**

- A. Purpose and Intent:** *The intent and purpose of this section is to establish standards to be used in the development of mobilehome parks within the Town. These standards are intended to assure a suitable living environment for those persons residing within mobilehome parks and those persons within nearby residential neighborhoods.*
- B. Objectives:**
- 1. **Private Streets:** Encourage the use of private streets and the private maintenance thereof.*
  - 2. **Amenities, Common Areas:** Provide for recreational amenities and common areas with controls and maintenance thereof by the mobilehome park owner, homeowners association or common interest group.*
  - 3. **Design:** Provide a design that is related to and compatible with existing and planned land uses, and circulation patterns on adjoining properties.*
- C. Conditional Use Permit:** *A Conditional Use Permit, as provided in § 3.3 of this Ordinance, shall be required for development of a new mobilehome park and/or for modification or expansion of an existing mobilehome park. Whenever a difference occurs between the standards of this section and an underlying zone district, the standards of this section shall apply.*
- D. Site Development Standards:** *The following standards shall apply to development of a mobilehome park. Additional requirements may be specified in conditions of approval of a Conditional Use Permit:*

1. **Minimum Area:** *A mobilehome park shall be no less than five (5) acres in size and the minimum area of a mobilehome space shall be no less than three thousand five hundred (3,500) square feet.*
2. **Density:** *No more than seven (7) mobilehome spaces per gross acre shall be permitted. Rights of way of interior streets may be included in the gross acre figure.*
3. **Coverage:** *The maximum permitted coverage of mobilehomes and all necessary buildings and/or structures shall be seventy five (75) percent of the total area of each individual lot.*
4. **Yard Setbacks:** *Each mobilehome space shall comply with the following minimum yard setbacks. There shall be no encroachments on any yard setback.*
  - a. *Front yard: Ten (10) feet.*
  - b. *Rear yard: Five (5) feet.*
  - c. *Side yard: Five (5) feet.*
5. **Access Drives:** *Parking within a required access drive is prohibited. Width of access drives shall be determined by the Town Manager or his/her designee.*
6. **Off-Street Parking:**
  - a. *Two (2) parking spaces, at least one of which shall be covered, shall be provided on each mobilehome space. Each parking space shall be no less than nine (9) feet by nineteen (19) feet in size. No parking space may be located within the front yard setback area; tandem parking may be permitted.*
  - b. *One (1) guest parking space shall be provided for each four (4) mobilehome spaces located within the development. Guest parking may be permitted on interior street rights-of-way if the street has been designed to accommodate on-street parking.*
7. **Interior Streets:**
  - a. *Private streets within a mobilehome park shall be a minimum of twenty four (24) feet wide with no on-street parking; a minimum of thirty two (32) feet wide if parking is permitted on one side of the street; and a minimum of forty (40) feet wide if parking is permitted on both sides of the street.*
  - b. *A roadway divided into separate one-way traffic lanes, by a curbed divider, or similar device, shall be no less than fifteen (15) feet in clear width on each side of the divider. Automobile parking shall be prohibited on a divided roadway except where the unobstructed width*

*of the roadway on the side of the divider used for parking is increased by eight (8) feet for each parking lane.*

8. **Open Space:** *A minimum of ten (10) percent of the net mobilehome park site shall be maintained for permanent open space and recreational facilities. Open space areas shall not include any portion of a mobilehome space for exterior perimeter landscaping. Usable open space may be occupied by recreational facilities such as recreation centers, swimming pools, golf courses, tennis, basketball, volleyball, badminton courts, children's play areas, trails and picnic areas.*
9. **Landscaping:** *All areas within a mobilehome park not used for recreational facilities, streets, driveways, parking structures, building and service areas shall be landscaped, shall be provided with an automated irrigation system, and shall be permanently maintained in a manner approved by the Town Manager or his/her designee.*
10. **Common Storage:** *A common storage area, equivalent in size to one hundred (100) square feet for each mobilehome space, shall be provided within the mobilehome park. The purpose of this storage is to store such items as recreational vehicles, boats and trailers. The storage area shall be paved and enclosed by a solid wall or durable view obscuring fence that is at least six (6) feet in height.*
11. **Parking of Recreational Vehicles, Trailers:** *Recreational vehicles, boats, and trailers shall not be permitted on individual mobilehome spaces, interior streets or parking spaces designated for automobile parking.*
12. **Property Line Landscaping:** *Each mobilehome park shall have a landscaped area, served by an automatic irrigation system, of no less than fifteen (15) feet between the property line and the required perimeter wall if adjoining a public or private street. Where a property line is not adjacent to a public or private street, a perimeter wall shall be provided along said property line.*
13. **Perimeter Wall:** *Except where otherwise required, a perimeter wall shall be no less than six (6) feet in height. Where there is a difference in elevation on opposite sides of a wall, the height shall be measured from the exterior side of said wall. The following design elements shall be incorporated into all perimeter walls:*
  - a. *The wall shall consist of concrete, stone, bricks, tile or a similar type of masonry material and shall be at least four (4) inches thick.*
  - b. *Berms, if incorporated into the project, shall be constructed of earthen materials, landscaped, and provided with an automatic irrigation system.*
14. **Height of Landscaping:** *Perimeter yard walls and landscaping shall be limited to a height of forty (40) inches within five (5) feet on either side of street openings for non-vehicular traffic, and within ten (10) feet on either side of street openings for vehicular traffic.*

15. **Improvement of Adjoining Streets:** *Adjoining streets shall be improved, as required by the Town Manager or his/her designee, to include all or any of the following: curb, gutters, street paving, sidewalks and street lighting. This requirement shall include preparation of street improvement plans and any other engineering deemed necessary by the Town Manager or his/her designee.*
16. **Underground Utility Lines:** *All utility lines, including water, sewer, electric, gas, telephone and television distribution systems, shall be placed underground.*
17. **Trash Storage Areas:** *Trash storage areas shall be provided as follows:*
  - a. *Every mobilehome space shall have individual curb site pick up; or*
  - b. *If common trash facilities are used, they shall be contained within an enclosed masonry structure no less than six feet (6') in height.*
18. **Lighting:** *Adequate lighting shall be provided throughout a mobilehome park to ensure for pedestrian and vehicular safety, and to minimize potential security problems.*
19. **Space Identification:** *Each mobilehome space shall be numbered, lettered, or identified in such a manner as to be clearly visible from the street. A map and directory of the mobilehome park shall be installed near the primary access drive. Said map and directory shall be equipped with a lighting system adequate for night time visibility.*

#### **§ 3.14 DEVELOPMENT AGREEMENTS**

- A. *Development agreements may be entered into and implemented by the Town pursuant to the following procedures:*
  1. *The Legislature of the State of Arizona, adopted § 6500 et. seq. of the Government Code, authorizing local governments to enter into development agreements with applicants for development projects. Under appropriate circumstances, development agreements will strengthen the public planning process, encourage private participation in comprehensive planning by providing a greater degree of certainty in that process, reduce the economic costs of development, allow for the orderly planning of public improvements and services, and the allocation of costs therefore in order to achieve the maximum utilization of public and private resources in the development process, and assure, to the extent feasible, that appropriate measures to enhance and protect the environment of the Town are achieved.*
  2. *The objective of such an agreement is to provide assurances that, upon approval of the project, the applicant may proceed with the project in accord with existing policies, rules and regulations, subject to the conditions of approval, thus vesting certain development rights in the property. Development agreements will also ensure that all conditions of approval, including the construction of off-site improvements made necessary by such land developments, will proceed in an orderly and economical fashion to the benefit of the Town. The purpose of this section is to establish procedures and*

*requirements for consideration of development agreements by the Town consistent with State law.*

**B. Application Requirements and Forms**

- 1. *An applicant may propose that the Town consider entering into a development agreement pursuant to Government Code by filing an application with the Zoning Administrator and demonstrate that the project satisfies the eligibility requirements of this Section. The form of said application shall be provided by the Zoning Administrator.***
- 2. *An application may be filed only by the property owner or other person having a legal or equitable interest in the property that is the subject of the development agreement or by that person's authorized agent. The term "applicant" shall also include any successor in interest to the property owner, or successor in interest to any other person having a legal or equitable interest in the property.***

**3. Eligibility Requirements**

*The Town Council finds that it may be in the Town's best interest to enter into a development agreement when construction of the project will be phased over a several year period, is a large-scale development, shall occupy substantial acreage, or in some other way requires long-term certainty on the part of the developer and the Town. The Town Council reserves the sole right to determine whether a development agreement is appropriate and in the best interest of the Town for a specific development project.*

**4. Proposed Development Agreement**

- a. *Each application shall be accompanied by a proposed development agreement, which shall specify the duration of the agreement, the permitted uses of the property, the density and intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes.***
- b. *A proposed development agreement may include conditions, terms, restrictions and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions and requirements for subsequent discretionary actions shall not unreasonably prevent development of the land for the uses and to the density or intensity of the development set forth in the agreement. A proposed development agreement may also provide that construction shall be commenced within a specified time, and that the project or any phases thereof be completed within a specified time.***
- c. *A program and standards for periodic review of the development agreement shall be included.***
- d. *Appropriate provisions, acceptable to the Town Attorney, providing security for the performance of the developer under the development agreement shall be included.***
- e. *A development agreement shall include all conditions imposed by the Town with respect to the development project. Agreements for special purposes may be adopted covering only certain aspects of the project. Any such special purpose development agreement shall be identified as such.***

- f. *All development agreements shall contain an indemnity and insurance clause, in form and substance acceptable to the Town Attorney, requiring the developer to indemnify the Town against claims arising out of the development process, provided that such a provision does not violate applicable law or constitute a joint venture, partnership or other participation in the business affairs of the developer by the Town.*
- g. *All development agreements, or any part of such development agreements, may be subject to subsequent condemnation proceedings by the Town.*
- h. *A proposed agreement may include such additional conditions, terms, restrictions or requirements as determined by the Town Council to be in the public interest.*

4. *Parties to the Development Agreement*

- a. *Only a qualified applicant may file an application to enter into a development agreement with the Town. The Zoning Administrator may require an applicant to submit proof of his interest in the real property and of the authority of the agent to act for the applicant. Such proof may include a preliminary title report issued by a title company licensed to do business in the State of Arizona evidencing the requisite interest of the applicant in the real property. Before processing an application, the Zoning Administrator may obtain the opinion of the Town Attorney as to the sufficiency of the applicant's interest in the real property to enter into a development agreement as a qualified applicant.*
- b. *In addition to the Town and the qualified applicant, any federal, state or local governmental agency or body may be included as a party to any development agreement. Any such additional party may be made a party to a development agreement pursuant to the provisions of the Joint Exercise of Powers Act (Government Code 6500, et seq.) providing for joint powers agreements, or provisions of other applicable federal, state or local law, in order to create a legally binding agreement among such parties.*

5. *Review of Application*

- a. *The Zoning Administrator shall endorse the application on the date it is received. The application shall be reviewed and may be rejected if it is incomplete or inaccurate. If the application is complete, it will be accepted for filing. The Zoning Administrator shall review the application and determine any additional requirements necessary to complete the agreement form. After receiving the required information, a staff report and recommendation shall be prepared which will state whether or not the development agreement, as proposed or in an amended form (specifying the nature of the amendments), would be consistent with the General Plan, and with the provisions contained herein, and whether it meets the needs and requirements of the Town.*
- b. *The Zoning Administrator shall, as part of his review of the application, circulate copies of a proposed development agreement to those Town departments and other agencies having jurisdiction over*



*the development project to be undertaken pursuant to the development agreement, for review and comment by such Town agencies. The proposed development agreement shall be reviewed for legal sufficiency and a proposed ordinance authorizing the Town to enter into the development agreement, for action by the Town Council upon hearing thereof as specified herein shall be prepared. The staff report and recommendation of the Zoning Administrator shall include any appropriate recommendations received by other agencies.*

- c. *Upon receipt of the application, the results of the review, and the recommendations of the Zoning Administrator, the Town Council shall schedule a public hearing. Notice of intention to consider the application shall be given as provided in Section 3.1 of this Ordinance. In addition, if the application is being processed together with the development project, notice of such intention shall be given as required for consideration of the development project.*

d. *Review Standard*

*The Town Council may recommend use of a development agreement as a method of implementing or providing standards and criteria for any development approval including but not limited to;*

- (1) A development approval pursuant to this Code;*
- (2) An amendment to the General Plan;*
- (3) The formation of an assessment district, benefit district, maintenance district, special benefit district, or any other mechanism for the installation of required on-site and/or off-site improvements; and/or*
- (4) Mitigation measures imposed upon a development project in which such mitigation measures have been proposed as a mechanism for eliminating or reducing impacts on the environment.*

e. *Recommendation of the Zoning Administrator*

*Following the public hearing, the Zoning Administrator shall make his/her recommendation in writing to the Town Council. The recommendation shall include the Zoning Administrator's determination as to whether or not the proposed development agreement meets the following criteria:*

- (1) It is consistent with the objectives, policies, general land uses, and programs specified in the General Plan;*
- (2) It is compatible with the uses authorized in, and the regulations prescribed for the zone district in which the real property is or will be located;*
- (3) It is in conformity with and will promote public convenience, general welfare and good land use practice;*
- (4) It will not be detrimental to the health, safety and general welfare;*

- (5) *It will not adversely affect the orderly development of property or the preservation of property values; and*
- (6) *It will promote and encourage the development of the proposed project by providing a greater degree of requisite certainty.*

6. **Hearing by Town Council**

a. **Adoption by Ordinance**

*A development agreement is a legislative act, and shall be enacted by ordinance only after a public hearing before the Town Council is held pursuant to the procedures described herein. The ordinance shall refer to and incorporate by reference the text of the development agreement.*

b. **Conduct of Hearing**

*At the hearing, the Town Council shall consider the Zoning Administrator's recommendation, together with any additional public testimony, and may approve, disapprove, or modify any recommendation of the Zoning Administrator.*

c. **Consistency with the General Plan**

*Before the Town Council may approve a development agreement, it must find that its provisions are consistent with the General Plan and policy plans of the Town. If the Town Council approves a development agreement in the form recommended by the Zoning Administrator, without further findings, it shall be deemed to have also adopted the findings of the Zoning Administrator.*

d. **Execution of a Development Agreement**

*If the Town Council adopts an ordinance approving a development agreement, the parties thereto shall execute the development agreement within thirty (30) calendar days after adoption of the ordinance, provided, however, that the development agreement shall not become effective until the ordinance authorizing the development agreement also becomes effective. The time for executing the agreement may be extended by the mutual consent of the Town Council and the applicant.*

e. **Recordation**

*Within ten (10) calendar days after the Town enters into a development agreement, the Town Clerk shall have the agreement recorded with the County Recorder. If the parties to the agreement or their successors in interest amend or cancel the agreement or if the Town Council determines or modifies the agreement for failure of the applicant to materially comply in good faith with the terms or conditions in the agreement, the Town Clerk shall have notice of such action recorded with the County Recorder.*

7. **Periodic Review**

- a. *The Zoning Administrator shall periodically review a development agreement at least once every twelve (12) months after the Town enters into a development agreement.*

- b. *Not less than forty-five (45) days, nor more than sixty (60) calendar days prior to the yearly anniversary of the date a development agreement was entered into, the applicant shall submit evidence to the Zoning Administrator of the applicant's good faith compliance with the development agreement. Said notification shall be accompanied by a processing fee in such amount as may hereinafter be established by resolution of the Town Council.*

c. *Finding of Compliance*

*If the Zoning Administrator finds good faith compliance by the developer with the terms of a development agreement, a certificate of compliance shall be issued, which shall be in recordable form and may be recorded by the developer in the official records. The issuance of a certificate of compliance by the Zoning Administrator, the expiration of the appeal period hereinafter specified without appeal, or the confirmation by the Town Council of the issuance of the certificate on such appeal, shall conclude the review for the applicable period and such determination shall be final.*

d. *Finding of Noncompliance*

*If, based on substantial evidence, the Zoning Administrator finds the developer has not complied in good faith with the terms of a development agreement, the respects in which the developer has failed to comply shall be specified in writing. The Zoning Administrator shall also specify a reasonable time for the developer to meet the terms of compliance. If such areas of noncompliance are not corrected within the reasonable time limits as prescribed by the Zoning Administrator, the development agreement shall be subject to cancellation pursuant to provisions herein.*

e. *Appeal of Determination*

*Any interested person may file an appeal of the issuance of a certificate of compliance to the Board of Adjustment within ten (10) days after the certificate's issuance. The developer may also file an appeal to the Board of Adjustment of a finding of noncompliance by the Zoning Administrator within ten (10) days after giving notice of such determination. All appeals before the Board of Adjustment shall be conducted pursuant to the provisions of § 3.7 of this Ordinance at which time evidence shall be taken and findings thereon made.*

f. *Referral to the Town Council*

*The Zoning Administrator may refer any review to be conducted hereunder to the Town Council. Such referral shall be made together with a staff report of the Zoning Administrator's preliminary findings. Upon such referral, the Town Council shall conduct a noticed public hearing to determine the good faith compliance by the developer with the terms of the development agreement in accordance with the provisions contained herein, and shall direct the issuance of a certificate of compliance upon a finding of good faith compliance, or make the determination of noncompliance on the basis of substantial evidence.*

8. Cancellation or Modification

a. Cancellation or Modification by Mutual Consent

*Any development agreement may be cancelled or modified by mutual consent of the parties. Any proposal to cancel or modify a development agreement shall be heard and determined in accordance with the same procedures specified by this section for approval of a development agreement.*

b. *If, at any time during the term of a development agreement, the Zoning Administrator finds, on the basis of substantial evidence, that the developer has not complied in good faith with the terms and conditions of the development agreement, and such noncompliance has not been corrected, the Town Council shall conduct a public hearing at which the developer must demonstrate good faith compliance with the terms of the development agreement. The burden of proof of substantial evidence of compliance by the developer is upon the developer. If such compliance cannot be shown, the Town Council shall either commence proceedings to cancel the development agreement or recommend new terms and conditions intended to remedy the noncompliance.*

c. *The Town Council shall conduct a noticed hearing, upon the recommendations of the Zoning Administrator, at which time the developer and any other interested persons shall be entitled to submit such evidence and testimony as may be germane to the issue of the developer's good faith compliance with the terms of the development agreement. If the Town Council finds, based on substantial evidence, noncompliance with the terms and conditions of the development agreement, it may either cancel the development agreement upon giving a sixty (60) day notice to the developer or, in its discretion, may allow the development agreement to be continued by imposition of new terms and conditions intended to remedy such noncompliance. The Town Council may impose such conditions to the action it takes as it considers necessary to protect the interest of the Town. The decision of the Town Council shall be final.*

d. *In the event that a development agreement should be canceled, or otherwise terminated, unless otherwise agreed all rights of the developer, property owner or successors in interests under the development agreement shall terminate. Any and all benefits, including money or land, received by the Town shall be retained by the Town. Notwithstanding the above provision, any termination of the development agreement shall not prevent the developer from completing and occupying a building or other improvements authorized pursuant to a valid building permit previously approved by the Town or under construction at the time of termination, but the Town may take any action permitted by law to prevent, stop, or correct any violation of law occurring during and after construction, and the developer or any tenant shall not occupy any portion of the project or any building not authorized by a previously issued building permit. As used herein, "construction" means work under a valid building permit, and "completing" means completion for beneficial occupancy for*

*developer's use, or if a portion of the project is intended for use by a lessee or tenant, then for such portion. "Completion" means completion except for interior improvements such as partitions, duct and electrical runouts, floor coverings, wall coverings, lighting, furniture, trade fixtures, finished ceilings and other improvements typically constructed by or for tenants of similar buildings. At such time uses shall, to the extent possible, be deemed non-conforming uses, and shall be subject to the non-conforming use provisions of this Ordinance.*

9. *Miscellaneous Provisions*

- a. *All development agreements shall be subject to the regulation and requirements of the laws of the State of Arizona; the Constitution of the United States; any codes, statutes, or executive mandates; and any court decision, state or federal, thereunder. In the event that any such law, code, statute, mandate or decision made or enacted after a development agreement has been entered into prevents or precludes compliance with one or more provisions of the development agreement, such provisions of the development agreement shall be modified or suspended in the manner and pursuant to the procedures specified in the development agreement, as may be necessary to comply with such law, code, statute, mandate, or decision.*
- b. *A development agreement entails and consists of a separate procedure from other land use planning procedures and shall not take the place of this Ordinance, the General Plan, a conditional use permit, subdivision approval, building permit, or any other Town development procedure. If so specified in a development agreement, it shall constitute an approval pursuant to such planning procedures as if separately enacted under other provisions of this Ordinance or other Town ordinances; to the extent practicable, public hearings on a proposed development agreement shall be held concurrent with the public hearings on all related land use approvals, and all such approvals shall be made concurrent with the approval of the development agreement.*
- c. *When approved, a development agreement and any development control maps and all notations, references and regulations that are a part of the development agreement shall be part of the Development Agreement Ordinance. Development control maps include, but are not limited to, regulations intended to carry out any plan respecting location or type of activities; height, bulk, siding or design of structures; location or design of open areas; and landscaping and other comparable regulations.*
- d. *This section and any subsequent development agreement with respect to any development agreement enacted under this section and any provision of such a development agreement that is in conflict with this Ordinance shall be void. Unless otherwise provided by the development agreement, the Town's rules, regulations and official policies governing permitted uses of land, governing density, and governing design, improvement and construction standards and specifications applicable to development of the property subject to a development agreement shall be those Town rules, regulations and*

*official policies in force at the time of the approval of the development agreement by the Town Council provided, however, that the developer is subject to all increases in Town imposed fees, dedication requirements, and charges with respect to subsequent applications for development and construction within the property subject to a development agreement.*

## **ARTICLE IV – ZONING DISTRICTS AND MAPS**

### **§ 4.1 ESTABLISHMENT OF ZONING DISTRICTS**

#### **A. 1. Single Family Residence Residential Zone Districts**

~~**R1-190:** Estate Residential Zone District – minimum lot size is 190,000 square feet (one (1) dwelling unit per 4.5 acres).~~

***AG:** Agricultural Residential – Minimum lot size is 196,020 square feet (4½ acres).*

~~**R1-108:** Estate Residential Zone District – minimum lot size is 108,900 square feet (one (1) dwelling unit per 2 ½ acres).~~

***RR:** Rural Residential Zone District – Minimum lot size 87,120 square feet (two acres)*

~~**ER R1-43:** Estate Residential Zone District - minimum lot size is 43,560 square feet (one (1) dwelling unit per acre).~~***(one acre).***

~~**SR R1-15:** Suburban Residential Zone District - minimum lot size is 21,780 15,000-square feet (1/2 acre).~~***(three (3) dwelling units per acre).***

~~**R1-12:** Suburban Residential Zone District – minimum lot size is 12,000 square feet (four (4) dwelling units per acre).~~

**R1-8:** Urban Residential Zone District - minimum lot size is 8,000 square feet. ~~(five (5) dwelling units per acre).~~

~~**R1-6:** Urban Residential Zone District – minimum lot size is 6,000 square feet (Maximum of six (6) seven dwelling units per acre).~~

**R1-5:** Urban Residential Zone District – minimum lot size is five thousand (5,000) square feet. ~~eight (8) dwelling units per acre).~~

#### **2. Multiple Residence Districts**

**R-2:** Multiple Residential ~~Zoning~~ *Zone* District – *Minimum lot size is 2.5 acres; maximum of eight (8) dwelling units per acre.*

**R-3:** Multiple Residential ~~Zoning~~ *Zone* District – *Minimum lot size is 2.5 acres; maximum twenty (20) dwelling units per acre.*

3. **Commercial Districts**

**C-1:** Neighborhood Commercial ~~Zoning~~ *Zone* District – *Minimum lot size is 6,000 square feet.*

**C-2:** General Commercial ~~Zoning~~ *Zone* District – *Minimum lot size is 6,000 square feet.*

4. **Town Center District**

**TC:** Town Center *Zone* District – *Minimum lot size for TC Commercial is 3,000 square feet, for TC Residential 5,000 square feet.*

5. **Industrial Districts**

**I-1:** Garden Industrial ~~Zoning~~ *Zone* District – *Minimum lot size is 1 acre.*

**I-2:** General Industrial ~~Zoning~~ *Zone* District – *Minimum lot size is 1 acre.*

6. **~~Open Space Conservation and Recreational Special Districts~~**

**OSC:** Open Space Conservation *Zone* District

**OSR:** Open Space Recreational *Zone* District

**PD:** *Planned Development Zone District*

7. **~~Overlay Districts~~**

**~~MN:~~** ~~Manufactured Home Overlay District~~

**~~PAD:~~** ~~Planned Area Development Overlay District~~

**~~DMP:~~** ~~Development Master Plan Overlay District~~

- B.** Additional ~~zoning zone~~ districts may be added from time to time upon the recommendation of the Planning and Zoning Commission to the Town Council. Proposed changes to the ~~zoning zone~~ district regulations or the Official Zoning Map, including the addition of new districts, may be submitted by the Planning and Zoning Commission, Town staff, Town Council, or any other interested party.
- C.** Uses not listed as a permitted use or a conditional use within the applicable ~~zoning zone~~ district regulations herein shall be prohibited.
- D.** If a use does not conform to the uses designated as permitted uses within the ~~zoning zone~~ district, the applicant may submit an application for an amendment to the Official Zoning Map and/or the text of the Zoning Ordinance, or an interpretation of district boundaries or permitted uses pursuant to Article III of this Ordinance.

## **§ 4.2 ZONING MAP**

- A.** The locations and boundaries of ~~zoning zone~~ districts shall be designated on a map or maps entitled Official Zoning Map(s) of the Town of Superior. The Official Zoning Map(s), dated and signed by the Mayor and Town Clerk, is hereby declared a part of this Zoning Ordinance as though fully set forth within.
- B.** The Official Zoning Map(s) shall be located in the office of the Zoning Administrator and a copy shall be kept on file with the Town Clerk. Any changes thereto shall be clearly shown on the Official Zoning Map when officially adopted by the Council.

## **§ 4.4 ESTABLISHING TOWN ZONING IN ANNEXED AREAS**

~~Unincorporated areas annexed by the Town shall assign at the time of annexation, or shortly thereafter, a Town zoning classification. Town zoning designations should be included as a part of the annexation ordinance.~~

*Unincorporated areas proposed for annexation to the Town shall pre-zone said areas, as set forth in § 3.2 (Zoning Text Amendment) of this Ordinance, as part of the annexation process. Upon annexation of said areas, the pre-zoned designations shall become effective and shall be thus zoned.*

## **ARTICLE V – SINGLE RESIDENCE ZONE DISTRICTS**

### **§ 5.0 PURPOSE**

#### **A. *Agricultural, Rural, and Estate Residential Zone Districts.***

##### **1. ~~RI-190 and RI-108~~**

***Rural Residential (RR) and Estate Residential (ER) Zone district***

***Estate Residential Zone District:*** Minimum 190,000 square feet (4.36 acres) and 108,900 square feet (2.5 acres) per dwelling unit respectively.

***Agricultural Residential (AR) Zone District:*** *The minimum lot size in the AR Zone District is four and one-half (4.5) acres. The purpose of this zone district is to conserve and protect open space land that is environmentally sensitive. This includes flood plains, steep slopes, areas of significant vegetation and the ability to keep large domestic animals on site.*

***Rural Residential (RR) Zone District:*** Minimum lot size is 87,120 square feet (two acres). The purpose of ~~these zoning~~ ***this*** zone district is to conserve and protect open space land uses, foster orderly growth in steep topography, and prevent urbanization of significant topographical areas with native desert vegetation. ~~The~~ ***It is also the*** intent of ~~these districts~~ this district is to encourage large lot, residential subdivisions, and to allow for limited residential development in environmentally sensitive areas, including flood plains, steep slopes which may contain unstable rock and soils, areas of significant vegetation, and other sensitive conditions.

- 2. ~~RI-43~~ ***Estate Residential (ER) Zone District:***** Minimum lot size is 43,560 square feet (1 acre). The purpose of this ~~zoning zone~~ district is to provide for and conserve existing rural residential uses in their present or desired character,



foster orderly growth in rural areas, promote open space land uses, and prevent urbanization in areas having unique or significant native desert vegetation whereby large lot residential uses would be most compatible. *It is also* the intent of this district is to encourage areas where semi-estate residential uses can be maintained and to provide a transition between the estate and suburban residential land uses.

- B. **Suburban Residential (SR) Zone District: ~~R1-15 and R1-12~~** Minimum lot size is ~~21,780~~ 15,000 and 12,000 square feet (*1/2 acre*). The purpose of ~~these zoning~~ *this zone* district is to provide for and preserve suburban-type, residential uses and characteristics associated with medium *sized* lots *for* residential development. *It is also* the intent of this district to encourage ~~further~~ *a* transition to urban-type single residence uses from the estate residential areas.

C. **Urban Residential Zone Districts**

1. **R1-8**  
Urban Residential Zone District: Minimum 8,000 square feet per lot. The purpose of this zone district is to provide for medium density urban-type detached single residential development in areas where adequate public facilities and services are available. The intent of this zone district is to encourage a traditional neighborhood environment.
2. **R1-6**  
Urban Residential Zone District: ~~Minimum 6,000 square feet per lot. The purpose of this zone district is to promote and preserve residential development of an urban density. The intent of this district is to encourage an environment of detached, single residence housing, with higher residential densities.~~
3. **R1-5**  
Urban Residential Zone District: Minimum 5,000 square feet per ~~dwelling unit lot~~. The purpose of this zone district is to promote and preserve residential development of an urban density. *It is also* the intent of the district to allow the continuation of previous standards within the older sections of the community while encouraging an environment of detached, single *family residencee residential* housing, with higher residential densities.

§ 5.1 **PERMITTED USES**

- A. Permitted uses in the ~~R1-190, R1-108, R1-43, R1-15, R1-12, R1-8, AR, RR, ER, SR, R1-8, and R1-5~~ *single Residence* zone districts shall be only *be* those uses listed as permitted by-right within the respective ~~zoning zone~~ district. *These* permitted uses are subject to all other applicable standards of this Ordinance. No building permit shall be issued for a use, not specifically mentioned ~~and unless~~ *until* approval has been issued by the Town.
1. One (1) single detached dwelling unit per lot of record.
  2. ~~Churches, including parish houses, parsonages, rectories, convents, and dormitories and dormitories accessory thereto.~~
  3. ~~Public schools (K-12).~~

- ~~4. Publically owned libraries, Parks, *and* playgrounds, and community activity buildings.~~
  - ~~5. Gold(f) courses including club houses located thereon and unlighted driving ranges but not including miniature golf courses.~~
  - ~~6. Cemeteries.~~
  - ~~7.~~ 2. Public and private forests and open space preserves.
  - ~~8.~~ 3. Utility services, but not including business offices, repair or storage facilities, wastewater treatment plants, and generating plants.
  - ~~9.~~ 4. Satellite dish antennas for private residential use, provided that they are located within the required rear yard, are ground mounted, and screened from public view.
  - ~~10.~~ 5. Wireless communication towers and antennas provided that they are located on property owned, leased, or otherwise controlled by the Town.
  - ~~11.~~ 6. Publicly owned or operated fire stations, police stations, and post offices.
  - ~~12.~~ 7. Home-based day care with no more than six (6) children.
  - ~~13.~~ 8. Assisted living facilities and group care homes for the handicapped and the elderly ~~and~~, provided that:
    - a. No such home is located on a lot that is within one thousand two hundred (1,200) feet of another group home for the handicapped and elderly care;
    - b. No such home contains more than six (6) residents;
    - c. Such home is licensed by the State Department of Health Services;
    - d. Such home is registered with, and administratively approved by the Town as to compliance with the standards of this Ordinance.
  - ~~14.~~ 9. Solar siting and installation as set forth in Article XIII, §13.14 (Solar Siting).
  10. *Home Occupations as set forth in § 3.6 of this Ordinance.*
  11. Temporary uses such as revivals, carnivals, circuses, auctions, holiday or seasonal sales boutiques or tree lots ~~when such uses are located on property used for church or school purposes only~~ *subject to the provisions of the Town Code.*
  12. *Second dwelling units in accordance with § 13.15 of this Ordinance.*
- B. Additional uses in the ~~R1-190, R1-108, and R1-43~~ **AR, RR and ER** Zone Districts.

1. Corrals, barns, stables, and other similar structures, for the keeping of horses and other livestock as accessory to a primary residential use provided that such corrals and structures are set back from all lot lines a distance of not less than forty (40) feet and contain at least ten thousand (10,000) square feet of area for each horse or head of livestock kept therein.
2. ~~One (1) guest house may be permitted only after it has been found to be in compliance with the following standards:~~
  - a. ~~The guest house must conform to at least minimum yard and intensity of use regulations.~~
  - b. ~~The guest house may not exceed fifty (50) percent of the square footage of the main residence.~~
  - c. ~~The guest house must be connected to all of the primary structure's utilities and meter.~~
  - d. ~~The guest house may not be used for any nonresidential use.~~
2. Commercial riding stables and boarding stables, provided the site contains at least ten (10) acres and that such stables are located at least one hundred (100) feet from any property line. In the review for commercial riding stables or boarding stables, the Town may consider lighting, landscaping, hours of operation, signage, parking, plan of operation, and neighborhood impact.
3. Plant nurseries and greenhouses.

## **§ 5.2 USES SUBJECT TO A CONDITIONAL USE PERMIT**

- A. *The following* uses *may be* permitted in the ~~R1-190, R1-108, R1-43, R1-15, R1-12, R1-8, R1-6, and R1-5 AR, RR, ER, SR, R1-8 and R1-5~~ Single Residence Zone Districts only after review and approval of a Conditional Use Permit, in accordance with § 3.3 of this Ordinance. ~~shall be as follows:~~ Conditional uses are subject to all other applicable standards of this Ordinance ~~and as well as~~ those requirements that may *be* reasonably be imposed by the ~~Town Council~~ *Planning and Zoning Commission*.
1. *Public or* Private schools *provided a private school* has ~~with~~ a curricula substantially the same as customarily offered in public schools.
2. Wireless communication towers and antennas not on property owned, leased, or otherwise controlled by the Town of Superior as approved in accordance with the requirements of Article XVI of this Ordinance.
3. ~~Home occupations as prescribed in the §3.6 of this Ordinance.~~
4. Bed and breakfast operations provided that the following standards shall apply:
  - a. No more than two (2) guest bedrooms for the business and no more than two (2) persons per room.

- b. One (1) off-street, non-tandem parking space per bedroom.

~~5. Second dwelling Units subject to the provision of Article XIII, Section 13.15.~~

- 6. Model homes or temporary sales offices pertaining to the sale of homes being constructed in the immediate subdivision. In the review for a model home or sales office, the Town may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. Approval may be granted for a two (2) year period, or until all homes in the subdivision are under construction, whichever occurs first.
  - 7. Day care centers for the care of more than six (6) children.
  - 8. Assisted living facilities and group care homes for the elderly and handicapped for more than six (6) residents, provided that:
    - a. No such home is located on a lot that is within one thousand two hundred (1,200) feet of another group home for the handicapped and elderly care.
    - b. Such home is licensed by the State of Arizona, Department of Health Services.
    - c. Such home is registered with and administratively approved by the Town as to compliance with the standards of this Ordinance.
  - 9. *Churches, including parish houses, parsonages, rectories, convents, dormitories and dormitories accessory thereto.*
  - 10. *Golf courses including club houses located thereon and unlighted driving ranges, but not including miniature golf courses.*
  - 11. Athletic facilities and day care centers in conjunction with a place of worship provided such activities are on the same lot or contiguous lot.
  - ~~12. Temporary uses such as revivals, carnivals, circuses, auctions, holiday or seasonal sales boutiques or tree lots when such uses are located on property used for church or school purpose only.~~
  - 12. *Publically owned libraries and activity buildings.*
- B.** Additional uses permitted in the ~~R1-190, and R1-108~~ **AR, RR, and ER** Single Residence Zone District subject to approval of a conditional use permit shall be as follows:

#### **§5.4 DENSITY, AREA, BUILDING AND YARD REGULATIONS**

The *following* ~~chart which follows~~ **Table 1** specifies the minimum lot sizes, minimum lot width, maximum building heights, minimum yard setbacks, maximum lot coverage percentages, and distance between buildings.

**TABLE 1**  
**Single Residential Zone Districts**

Zone District	Area (Sq. Ft.)	Lot Width (Feet)	Bldg. Height (Feet)	Minimum Yard Setbacks				Lot Coverage	Distance Between Buildings
				Front	Side	Street Side	Rear	Min.Depth	
<i>AR</i>	<i>196,020</i>	<i>300</i>	<i>35</i>	<i>60</i>	<i>60</i>	<i>60</i>	<i>100</i>	<i>250</i>	<i>10<sup>a</sup></i>
<i>RI-190</i>	<i>190,000</i>	<i>300</i>	<i>35</i>	<i>60</i>	<i>60</i>	<i>60</i>	<i>60</i>	<i>5%</i>	<i>10<sup>a</sup></i>
<i>RR</i>	<i>87,120</i>	<i>150</i>	<i>35</i>	<i>60</i>	<i>40</i>	<i>60</i>	<i>100</i>	<i>200</i>	<i>10<sup>a</sup></i>
<i>R1-108</i>	<i>108,900</i>	<i>300</i>	<i>35</i>	<i>50</i>	<i>30</i>	<i>50</i>	<i>50</i>	<i>10%</i>	<i>10<sup>a</sup></i>
<i>RI-43 ER</i>	<i>43,560</i>	<i>145</i> <i>120</i>	<i>35</i>	<i>40</i>	<i>20</i>	<i>40</i>	<i>40</i>	<i>15% 120</i>	<i>10<sup>a</sup></i>
<i>SR</i>	<i>20,000</i>	<i>80</i>	<i>35</i>	<i>30</i>	<i>20</i>	<i>30</i>	<i>30</i>	<i>100</i>	<i>10<sup>a</sup></i>
<i>RI-15</i>	<i>15,000</i>	<i>120</i>	<i>30</i>	<i>25</i>	<i>10</i>	<i>25</i>	<i>25</i>	<i>35%</i>	<i>10<sup>a</sup></i>
<i>RI-12</i>	<i>12,000</i>	<i>100</i>	<i>30</i>	<i>20</i>	<i>10</i>	<i>20</i>	<i>25</i>	<i>40%</i>	<i>10<sup>a</sup></i>
<i>RI-8</i>	<i>8,000</i>	<i>80</i>	<i>30</i>	<i>20</i>	<i>5</i>	<i>15</i>	<i>25</i>	<i>40%-100</i>	<i>10<sup>a</sup></i>
<i>RI-6</i>	<i>6,000</i>	<i>60</i>	<i>30</i>	<i>20</i>	<i>5</i>	<i>10</i>	<i>25</i>	<i>40%</i>	<i>10<sup>a</sup></i>
<i>RI-5</i>	<i>5,000</i>	<i>50</i>	<i>30</i>	<i>20</i>	<i>5</i>	<i>5-10</i>	<i>15</i>	<i>40% 80</i>	<i>10<sup>a</sup></i>

(a) Distance between buildings or as per the International Building Code.

## **ARTICLE VI – MULTIPLE RESIDENTIAL ZONE DISTRICTS**

### **§ 6.0 PURPOSE**

#### **A. Multiple Residential Zone Districts:**

- R-2 Multiple Residential Zone District. A maximum of eight (8) dwelling units per acre. The purpose of this Zone District is to provide a transition from Single Residential Zone Districts to more intensive land uses, and to allow low-density multiple residence dwellings. Principal uses permitted in this Zone District include attached or detached small condominium units, town-homes or patio homes. ~~and the uses permitted in the Single Residential Zone Districts.~~

2. R-3 Multiple Residential Zone District. A maximum of twenty (20) dwelling units per acre. The purpose of this Zone District is to provide for high-density multiple attached residence development in areas where adequate public facilities and services are available. The intent of this Zone District is to encourage cluster style developments and the traditional apartment developments incorporating unique design and exceptional amenities.

#### **§ 6.1 PERMITTED USES**

A. Permitted uses in the R-2 and R-3 Multiple Residential Zone Districts shall be only those uses listed as permitted by-right within the respective zone district. Permitted uses are subject to all other applicable standards of this Ordinance. No building permit shall be issued for a use not specifically mentioned and unless approval has been issued by the Town.

1. ~~One (1) single detached~~ ***Multiple family*** dwelling units per lot of record.
2. Churches, including but not limited to parish houses, parsonages, rectories, convents, and dormitories accessory thereto.
3. ~~Public schools (K-12).~~
4. Publicly owned libraries, parks, playgrounds, and community activity buildings.
5. Golf courses, ***in conjunction with a housing development***, including club houses located thereon and unlighted driving ranges, but not including miniature golf courses.
6. Wireless communication towers and antennas provided that they are located on property owned, leased, or otherwise controlled by the Town.
7. Home-based day care with no more than ~~three (3)~~ ***six (6)*** children.
8. ***Home occupations as set forth in § 3.6 of this Ordinance.***
9. Assisted living facilities and group care homes for the elderly and handicapped, provided that they are stand-alone facilities and that:
  - a. No such home is located on a lot within one thousand-two hundred (1,200) feet of another group home for the handicapped and elderly care.
  - b. Such home is licensed by the Arizona Department of Health Services;
  - c. Such home is registered with, and administratively approved by the Town, as to compliance with the standards of this Ordinance.
  - d. ***No such home contains more than six (6) residents***
10. Solar siting and installation as set forth in Article XIII, § 13.14 (Solar Siting).

11. *Temporary uses such as revivals, carnivals, circuses, auctions, holiday or seasonal sales boutiques or tree lots subject to the provisions of § 3.5 (Special Event Use Permits) of this Ordinance.*

## **§ 6.2 USES SUBJECT TO A CONDITIONAL USE PERMIT**

Uses permitted in the R-2 and R-3 Multiple Residence Zone Districts only after review and approval of a Conditional Use Permit, in accordance with § 3.3 of this Ordinance, shall be as follows: Conditional uses are subject to all other applicable standards of this Ordinance and those requirements that may reasonably be imposed by the Town Council.

1. *Public and private schools provided a private school has with* a curriculum substantially the same as customarily offered in public schools.
2. Wireless communication towers and antennas not on property owned, leased, or otherwise controlled by the Town of Superior as approved in accordance with the requirements of Article XVI of this Ordinance.
- ~~3. Home occupations as prescribed in §3.6 of this Ordinance.~~
3. Churches, including but not limited to parish houses, parsonages, rectories, convents, and dormitories accessory thereto.
4. Model units or temporary sales offices pertaining to sale of units in the immediate subdivision. In the review for a model unit or sales office, the Town may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. Approval may be granted for a two (2) year period, or until all units in the subdivision are under construction, whichever occurs first.
5. Athletic facilities and day care centers in conjunction with a place of worship, *parks, or activity buildings* provided such activities are on the same lot or contiguous lot.
6. *Manufactured Home Parks in accordance with the provisions of Article XI (Manufactured Home Parks) of this Ordinance*
7. ~~Uses permitted in the R-3 Zone District only after review and approval of a Conditional Use Permit, in accordance with §3.3 of this Ordinance, shall include~~ *In the R-3 zone only* Recreational Vehicle (RV) parks in accordance with §3.12 of this Ordinance.

## **§ 6.3 DESIGN STANDARDS REQUIREMENTS**

*In addition to the requirements of Article III, § 3.10 (Design Review) the following shall apply:*

- A. Mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level, wall mounted, or roof mounted, shall be ~~screened from public view and~~ designed to appear as an integral part of the building.
- B. The building materials of a project shall be durable, require low maintenance, and be of a substantial quality.
- C. All buildings shall incorporate a ~~360 degree architectural~~ *building design on all sides, as*

*well as* a variety of massing and building heights, and stepping roof lines. Straight roof lines should be varied by using offsets, differing heights, stepping, or different orientations to produce more variety within a development.

- ~~D. All of the exterior elevations of the structures shall provide interest and relief and utilize architectural pop outs/detailing, recess windows, and overhanging eaves.~~
- ~~E. Open space equivalent to one hundred (100) percent of the 1<sup>st</sup> floor F.A.R. and fifty (50) percent of the 3rd floor F.A.R. shall be required for each development. Open space does not include parking areas.~~
- F. All R-3 multiple residence developments shall provide amenities for the residents use. Examples of such amenities are playground/tot lot, swimming pool, club house, health & fitness center, tennis courts, basketball courts, etc. The area utilized by these amenities may be credited as open space.

#### ~~§6.4 LANDSCAPE AND SCREENING REQUIREMENTS~~

##### ~~A. Landscaping Requirements~~

- ~~1. Landscaping may include trees, shrubs, ground covers, vines, fountains, benches or other organic materials used for creating an attractive appearance.~~
- ~~2. Plant specifications  
Trees – Where required by this Ordinance shall be a minimum of fifteen (15) gallon size with forty (40) percent of the required number of trees to be twenty-four (24) inch box size or larger.  
Shrubs – Where required by this Ordinance shall be a minimum of one (1) gallon size upon installation with fifty (50) percent of the required number to be five (5) gallon in size.  
Organic Groundcovers – Where required by this Ordinance shall be a minimum of one (1) gallon size upon installation.  
Inorganic Groundcovers – Where required by this Ordinance shall be used and consist of decomposed granite (minimum size ½" minus), or turf in selected areas may also be considered. A drip irrigation system shall be installed by approved standards.~~
- ~~3. Plant Quantities  
Arterial and Major Collectors – A minimum of one (1) free and three (3) shrubs and/or organic groundcover shall be required for every five hundred (500) square feet, or fraction thereof, of total landscape area; exclusive of that portion of the public right of way occupied by a driveway area.  
Local and Neighborhood Street – A minimum of one (1) tree shall be planted every twenty (20) feet, or fraction thereof, depending on the width of the canopy at maturity of the particular tree chosen.  
Interior Property lines – A ten (10) foot wide minimum landscaped strip shall be maintained along all interior property lines. A minimum of one (1) tree and one (1) shrub shall be planted in this landscape stripe every twenty (20) feet, or fraction thereof, depending on the width of the canopy at maturity of the particular tree chosen.  
Common Open Space Area – There shall be provided a minimum of one (1) tree and two (2) shrubs in the common or open space areas for each dwelling unit.~~
- ~~4. A Homeowner's or Property Owner's Association shall maintain all landscape materials and landscaped areas, including that within the public rights of way adjacent to the site, in accordance with the approved landscape plan.~~



#### § 6.4 LANDSCAPE AND SCREENING REQUIREMENTS

- A. Parking areas adjacent to the required front yard shall provide a decorative screen wall or landscape berm, or combination thereof, to a height not to exceed three (3) feet in order to adequately screen the undercarriages of the parked vehicles.
- B. A dense hedge row or other vegetative screening is encouraged rather than the use of a perimeter wall when adjacent to a single residence zone district. If a perimeter wall is constructed, it shall be a maximum of six (6) feet in height and decoratively treated on all sides to match the architectural style and design of the development.
- C. Trash and refuse collection locations shall be screened with a six (6) foot decorative masonry wall, except that a maximum of fifty (50) percent of the required screening may be composed of live vegetation provided that the vegetation is view-obscuring and a minimum of six (6) feet in height. Trash and refuse areas shall be located such that they are not the visual focal point of a driveway or parking area, or cannot be viewed from a public street.

#### § 6.5 COMPLIANCE WITH OTHER PROVISIONS

- A. **General Provisions:** The ~~general~~ *applicable* provisions in Article XIII (*General Provisions*) ~~herein of this Ordinance~~ shall apply.
- B. **Parking regulations:** The parking regulations are as ~~provided~~ *set forth* in Article XIV (*Parking Provisions*) ~~of this Ordinance shall apply. herein.~~
- C. **Outdoor Lighting:** All outdoor lighting *regulations as set forth in* ~~shall comply with~~ Article XV (*Outdoor Lighting Provisions*) ~~shall apply. herein.~~

#### § 6.6 DENSITY, AREA, BUILDING AND YARD REGULATIONS

The chart which follows Table 2 specifies the minimum lot sizes, minimum lot width and depth, maximum building heights, minimum yard setbacks, ~~maximum lot coverage percentages,~~ and distance between buildings.

**TABLE 2**  
**Multiple Residential Zone Districts**

Zone District	Lot Area (Sq. Ft.)	Du/ac	Bldg. Height (Feet)	Minimum Yard Setbacks				Lot Depth in Feet Coverage	Distance
				Front	Side	Street Side	Rear		
R-2	18,000	8	30	20	5	10	25	<del>40%</del> <b>100</b>	15
R-3	18,000	20	30	20	5	10	25	<del>50%</del> <b>100</b>	15

## **ARTICLE VII – COMMERCIAL ZONE DISTRICTS**

### **§ 7.2 USES SUBJECT TO A CONDITIONAL USE PERMIT IN THE C-1 ZONE DISTRICT**

Uses in the Neighborhood Commercial (C-1) Zone District that are subject to approval of an approved conditional use permit, in accordance with § 3.3 of this Ordinance, are as follows:

- E. Manufactured Home Parks in accordance with the requirements of Article XI of this Ordinance.*

### **§ 7.6 DESIGN STANDARDS (C-1 AND C-2 ZONE DISTRICTS)**

#### **A. General Architectural Requirements:**

1. Mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level, wall mounted, or roof mounted, shall be ~~screened from public view and~~ designed to appear as an integral part of the building.
2. The building materials of a project shall be durable, require low maintenance, and be of a substantial quality.
3. All building elevations which face a public street or are adjacent to residential uses or zoning districts, shall ~~have an architectural design other than metal or corrugated metal~~ ***be architecturally compatible with the surrounding area.***
4. All buildings shall be designed to incorporate architecture that provides a variety of massing, building heights, and stepping roof lines.
5. Pad buildings in group commercial development including service stations, convenience stores, chain restaurants, auto maintenance facilities and similar uses should be designed in a compatible architectural style, and incorporate the same materials, colors and landscaping as the host development.

#### **B. General Site Planning Requirements:**

1. Service and loading bays (car wash, automotive service, tire, etc.) should be oriented away from adjacent residential zoning districts. ~~and should not front onto or be visible from the public street.~~
2. Drive-through windows should not face a public street.
3. Equipment such as, but not limited to, vending machines should be ~~screened from street view and~~ placed in an area designed for their use, as an integral part of the structure.
4. Open space equivalent to ten (10) percent ***of the building site*** shall be required for group commercial development. Open space does not include parking areas.

5. Parking areas other than in front of the principal building is encouraged.
6. Link structures to the public sidewalk ~~where possible~~ *when desirable* with textured pavement, landscaping and trellises.

## **§ 7.7 LANDSCAPE AND SCREENING REQUIREMENTS**

### **A. Landscaping Requirements:**

1. Landscaping may include trees, shrubs, ground covers, vines, fountains, benches or other ~~organic~~ materials used for creating an attractive appearance. The use of exotic species or allergenic species shall be prohibited. Landscaping within the public rights-of-way required open space or landscape areas, parking areas, and retention/detention basins shall be limited to those species listed in Appendix "S" "*B*" unless otherwise approved by the Town Council.
- ~~2. Where building foundations are visible, foundation landscaping should be required. Landscaping in this area should complement the building elevations.~~
- ~~3. Plant specifications:~~
  - ~~**Trees** — Where required by this Ordinance shall be a minimum of fifteen (15) gallon size with forty (40) percent of the required number of trees to be twenty-four (24) inch box size or larger.~~
  - ~~**Shrubs** — Where required by this Ordinance shall be a minimum of one (1) gallon size upon installation with fifty (50) percent of the required number to be five (5) gallon in size.~~
  - ~~**Organic Groundcovers** — Where required by this Ordinance shall be a minimum of one (1) gallon size upon installation. A drip irrigation system shall be installed by approved standards.~~
  - ~~**Inorganic Groundcovers** — Where required by this Ordinance shall be used and consist of decomposed granite (minimum size W' minus), or turf in selected areas may also be considered~~
5. The property owner or a "Property Owner's Association" shall maintain all landscape materials and landscaped areas, including that *area* within the public rights-of-way adjacent to the site, in accordance with the approved landscape plan.

### **B. Screening Requirements:**

- ~~1. A dense hedge row or other vegetative screening is encouraged rather than the use of a wall fence when a commercial development is adjacent to a residential district. Exceptions to this may be if the commercial use is required to have a wall/fence by National, State or local standards or if the residential area would be adjacent to the outdoor storage areas.~~

## **§ 7.8 COMPLIANCE WITH OTHER PROVISIONS**

### **A. General Provisions:**

The ~~All applicable~~ general provisions *as set forth* in Article XIII ~~herein~~ shall apply.

- B. **Parking regulations:** ~~The Parking regulations are as provided~~ *set forth* in Article XIV ~~herein shall apply.~~
- C. **Outdoor Lighting:** ~~All Outdoor lighting regulations shall comply with~~ *as set forth in* Article XV ~~herein shall apply.~~
- D. **Signs:** ~~All signage shall comply with~~ *Sign regulations as set forth in* Article XVII ~~herein shall apply~~

## **ARTICLE VIII – TOWN CENTER ZONE DISTRICT**

## **ARTICLE IX – INDUSTRIAL ZONE DISTRICTS**

### **§ 9.0 PURPOSE**

#### **§ 9.1 PERMITTED USES (I-1 ZONE DISTRICT)**

- A.
  - 1. All uses permitted in the C-1 and C-2 Zone Districts.
  - 2. Manufacturing, assembly, packaging, bottling, processing, distributing, warehousing, *and* wholesale sales uses provided that such uses shall conform to the following requirements:
  - 9. *Wholesale/retail facilities contained within a building.*
- B. *Because no list of uses can be complete, decisions on additional uses will be determined by the Zoning Administrator with appeal to the Board of Adjustment.*

#### **§ 9.2 USES IN THE I-1 ZONE DISTRICT SUBJECT TO AN APPROVED CONDITIONAL USE PERMIT**

- A. *Uses permitted in the General Industrial (I-1) Zone District only after review and approval of a Conditional Use Permit, in accordance with § 3.3 of this Ordinance, shall be as follows. Conditional uses are subject to all other applicable standards of this Ordinance and those requirements that may reasonably be imposed by the Planning and Zoning Commission or upon appeal to the Board of Adjustment.*
  - 1. *Wireless communication towers and antennas that are not owned, leased, or otherwise controlled by the Town of Superior in accordance with the requirements of Article XVI of this Ordinance.*
  - 2. *Automated collection centers.*
  - 3. *Privately owned public parking facilities*

#### **§ 9.3 USES PERMITTED IN THE I-2 ZONE DISTRICT**

- 1. Those uses permitted in the Garden Industrial (I-1) Zone District.
- 2. Construction offices and construction yards provided that the open storage yard

area is screened by an eight (8) foot high solid masonry wall, *or other such material as approved by the Planning and Zoning Commission.*

- CB.** Because no list of uses can be complete, decisions on additional uses will be rendered by the Zoning Administrator with appeal to the ~~Town Council~~ *Board of Adjustment.*

**§ 9.4 USES SUBJECT TO CONDITIONAL USE PERMIT (I-2) ZONE DISTRICT**

- A.** *All uses requiring approval of a Conditional Use Permit in the C-1 and C-2 Zone Districts.*
- K.** *Watchman quarters when incorporated within an on-site industrial building for security purposes.*

**§ 9.5 PROHIBITED USES**

- A.** All residential uses *with the exception of § 9.4.K. above..*
- B.** ~~All uses that are otherwise allowed within the Commercial Zone Districts.~~

**§ 9.6 DESIGN STANDARDS REQUIREMENTS**

**§ 9.7 LANDSCAPE AND SCREENING REQUIREMENTS**

**A. Landscape Requirements:**

- 1.** Landscaping may include trees, shrubs, ground covers, vines, fountains, benches or other organic materials used for creating an attractive appearance. The use of exotic species or allergenic species shall be prohibited. *Additional* landscaping within the public rights-of-way, required open space or landscape areas, parking areas, and retention/detention basins shall be limited to those species listed in Appendix "B" unless otherwise approved by the ~~Town Council~~ *Zoning Administrator with appeal to the Board of Adjustment*
- ~~**2.** Where building foundations are visible, foundation landscaping should be required. Landscaping in this area should complement the building elevations.~~
- 3.** Plant specifications: *Subject to the requirements of Appendix "B" of this Ordinance and § 3.10 (Design Review) of this Ordinance.*

~~**Trees** – Where required by this Ordinance shall be a minimum of fifteen (15) gallon size with forty (40) percent of the required number of trees to be twenty-four (24) inch box size or larger.~~

~~**Shrubs** – Where required by this Ordinance shall be a minimum of one (1) gallon size upon installation with fifty (50) percent of the required number to be five (5) gallons in size.~~

~~**Organic Groundcovers** – Where required by this Ordinance shall be a minimum of one (1) gallon size upon installation.~~

~~**Inorganic Groundcovers** – Where required by this Ordinance shall be used and~~

~~consist of decomposed granite (minimum size 1/2" minus). Turf in selected areas may also be considered. An approved drip irrigation system shall be installed.~~

~~**Local and Neighborhood Street:** A minimum of 1 tree shall be planted, every 20 feet, or fraction thereof, depending on the width of the canopy at maturity of the particular tree chosen.~~

~~**Buffer Yard Area:** A minimum of one (1) tree shall be planted, every twenty (20) feet, or fraction thereof, depending on the width of the canopy at maturity of the particular tree chosen.~~

5. The property owner or a "Property Owner's Association" shall maintain all landscape materials and landscaped areas, including that *area* within the public right-of-way adjacent to the site, in accordance with the approved landscape plan.

**B. Screening Requirements:**

2. All perimeter walls, storage area walls, and screen walls shall be decoratively treated on all sides to match the ~~industrial product~~ architectural style and design *of the buildings and structures.*

**§ 9.9 COMPLIANCE WITH OTHER PROVISIONS**

- A. **General Provisions:** The general provisions in Article XIII ~~herein~~ shall apply.
- B. **Parking Regulations:** The Parking regulations ~~are as provided~~ *as set forth* in Article XIV ~~herein shall apply.~~
- C. **Outdoor Lighting:** All Outdoor lighting ~~shall comply with~~ *requirements as set forth in* Article XV ~~herein shall apply.~~
- D. **Signs:** All signage ~~shall comply with~~ *Sign regulations as set forth in* Article XVII ~~herein shall apply.~~

**§ 9.8 DENSITY, AREA, BUILDING AND YARD REGULATIONS**

~~The chart which follows~~ **Table 5** specifies the minimum lot sizes, minimum lot width, maximum building heights, minimum yard setbacks, maximum lot coverage percentages, and distance between buildings.

**TABLE 5**  
**~~Zoning Ordinance Summary~~ – Industrial Districts**

**ARTICLE X - OPEN SPACE ZONE DISTRICT**

**§ 10.0 PURPOSE**

**§ 10.1 PERMITTED USES**

- A. Permitted uses in the Open Space Conservation Zone District shall be only those uses listed below. Permitted uses are subject to all other applicable standards of this *as well as*

*other Town Resolutions and Ordinances.* No building permit shall be issued for a use not specifically mentioned until site plan approval has been granted by the Town.

**B. 4. Cemeteries**

**§ 10.5 COMPLIANCE WITH OTHER PROVISIONS**

- A. General Provisions:** The general ~~applicable provisions~~ *requirements as set forth* in Article XIII ~~herein~~ shall apply.
- B. Parking Regulations:** ~~The Parking regulations are as provided~~ *requirements as set forth* in Article XV ~~herein~~ *shall apply*.
- C. Outdoor Lighting:** ~~All Outdoor lighting shall comply with~~ *requirements as set forth in* Article XV ~~herein~~ *shall apply*.
- D. Signs:** ~~All signage shall comply with~~ *Sign requirements as set forth in* Article XVII ~~herein~~ *shall apply*.

**§ 10.6 DENSITY, AREA, BUILDING AND YARD REGULATIONS**

~~The chart which follows~~ **Table 6** specifies the minimum lot sizes, minimum lot width, maximum building heights, minimum yard setbacks, maximum lot coverage percentages, and distance between buildings.

**TABLE 6**

**~~Zoning Ordinance Summary~~ – Open Space Zone District**

**ARTICLE XI – MANUFACTURED HOME (MH) OVERLAY ZONE DISTRICT**

**§ 11.0 PURPOSE**

To provide for an overlay zone that will permit the placement and regulate the permanent installation of manufactured homes for occupancy as single residential dwellings either on individual parcels or lots. ~~or on a space within a manufactured home land lease development~~ Manufactured homes located on individual parcels or lots shall be defined and situated to assure similarity in exterior appearance and in keeping with the architectural character of the neighboring site built dwellings and the character of the surrounding neighborhood in general.

Manufactured homes ~~which may be approved within an approved land lease development,~~ shall be situated and designed ~~so~~ to provide a desirable residential environment that will protect adjacent residential property values and is consistent with the future land-use plan of the community. A variety of densities are possible depending upon the base zone to which the overlay zone is applied.

**§ 11.1 INTENT**

The intent of these provisions is to provide affordable and diversified housing opportunities within the Town while maintaining established standards. Manufactured homes shall meet the

most current HUD Code standards, all regulations of the Office of Manufactured Housing, as well as compliance with all provisions of this Article.

### **§ 11.2 PERMITTED USES**

Permitted uses in the "MH" Manufactured Home Overlay Zone District shall be only those uses listed as permitted by-right within the underlying ~~Suburban and Urban~~ single family residential zone districts (~~RI-15, RI-12, RI-8, and RI-6~~) **as well as** approved manufactured homes. ~~and manufactured home land lease developments.~~ Site built dwelling units and modular homes are also permitted within the overlay zone **district.** ~~except within a manufactured home land/lease development.~~ Permitted uses are subject to all other applicable standards of this Ordinance.

### **§ 11.3 PLANNING REVIEW PROCESS**

- A. The property owner seeking to place a manufactured home on an individual parcel or lot ~~or on a space within a manufactured home land lease development~~ shall be required to obtain a building permit prior to the installation of the manufactured home ***unless installed by a licensed manufacturer.*** Prior to submitting ***an application for a*** ~~the~~ building permit, ~~application to the Building Department~~ the owner shall submit the following materials for Planning Review:
1. Site Plan.
  2. Elevations or color photographs of all sides of the structure.
  3. Roof slope (expressed in a ratio horizontal to vertical feet) and roofing material description.
  4. Description of any proposed additions or alterations including photographs where possible.
  5. Description of the exterior finish including materials and colors.
- B. ***If the manufactured home is to be installed by a licensed manufacturer, the applicant or owner shall complete, submit, and pay the fees, as set forth by resolution of the Town Council, the Town's form entitled "Application for Design Review." In addition the requirements set forth in § 11.4 (Review Criteria) of this Ordinance shall also be met. In this instance the application for design review shall be reviewed and acted up by the Town Manager, or his/her designee.***

### **§ 11.4 REVIEW CRITERIA**

- A. In order for a manufactured home to be placed on a parcel or individual lot in existing residential or built-up residential areas where the "Manufactured Home Overlay Zone" has been approved, the manufactured home shall be reviewed for compliance with the following criteria:
1. The residence should be situated on the lot in a compatible manner with surrounding residences through location of windows, doors, front porches, other architectural features, or landscaping.
  2. The architectural design as well as the exterior materials of the residence shall be



compatible with the residential dwellings in the immediate area and the Design Standards outlined in § 11.5 of this Article.

3. The residence must have a varied appearance in relation to the adjacent properties. Consideration will be given to ~~the variation in setbacks,~~ architectural features, variation of building materials, accessory structures, or landscaping. ~~accents proposed to achieve the required appearance.~~
  4. The structure is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 and the laws of the State of Arizona and is in good physical condition structurally and cosmetically, complies with the design standards of this article, and was constructed not more than ~~ten (10)~~ **one (1)** year prior to date of application for building/installation permit.
- ~~B. If the manufactured home is to be placed on a space within a land lease development it shall be in compliance with the specific design standards approved by the Town Council for that development.~~
- B. If the Zoning Administrator determines that ~~any~~**one** of the four criteria stated in § 11.4.A has not been met ~~in the Planning Review,~~ the application will be referred to the Planning and Zoning Commission for Final Review with written notice of why the application failed to meet the required criteria.
- C. The Commission shall consider the manufactured home application and the Zoning Administrator's report. If satisfied that all of the criteria have been met, the Commission may approve the application. ~~If the Commission determines that all criteria have been met, other than the age of the structure, the Commission may approve the application. If the Commission finds that any one of the stated criteria have not been met, the Commission may recommend that~~ **deny** the application.~~be denied.~~
- D. If the Commission denies the application, the applicant may appeal the Commission's decision to the ~~Town Council.~~ **The Town Council's Board of Adjustment. The decision of the Board of Adjustment** shall be final.

## **§ 11.5 DESIGN STANDARDS**

- A. Manufactured Homes on Individual Lots: In order to be approved, the manufactured home must be found to have design compatibility with other dwellings in the immediate area, which is the area within three-hundred (300) feet of the subject lot or parcel or the nearest five (5) **residential** dwellings. The criteria for determining acceptable compatibility shall be based upon a review of the following design elements:
- B. Manufactured Home Standards
1. Minimum Width: The minimum width of the main portion of the structure shall be ~~twenty-four (24)~~ **sixteen (16)** feet, exclusive of any garage or carport area, as measured across the narrowest portion **of the unit.**
  2. Height: Unless the topography of a particular lot precludes it, the manufactured home shall be installed no higher from grade than eighteen (18) inches (from ground to frame) on the highest side and not less than twelve (12) inches on the

low side. The ~~building official~~ **Town Manager, or his/her designee**, is authorized to approve minor deviations from the height requirement after inspection of the property to determine if such deviation is necessary because of lot conformity.

3. Foundations: The manufactured home shall be placed on an excavated ~~foundation with permanent foundation wall, and back-filled foundation, and enclosed continuously at the perimeter with material comparable to the predominant materials used in foundations of conventional site built homes.~~ ~~or if permanent foundation wall is not installed, all sides of the home shall extend to meet ground, or a façade shall be used on all sides so that the home appears to have a foundation wall similar in appearance and kind to conventional site built homes.~~ ~~One of the following skirting options must be utilized on the manufactured home:~~
4. Exterior Siding: Exterior siding ~~shall be~~ made of non-reflective and non-metallic materials *customarily utilized in the construction of conventional single-family housing shall be permitted.* Acceptable siding materials includes, but is not limited to, vinyl, wood, stucco, brick, stone, or other masonry materials or any combination of these materials. The use of "T1-11" siding (rough sawn plywood siding with vertical grooves at four (4) inches or eight (8) inches O.C.) ~~shall be avoided.~~ *is not permitted.*
5. Roof Structure and Materials: All roof structures shall be sloped and provide an eave projection of no less than six (6) inches and no greater than thirty (30) inches. Unfinished galvanized steel, unfinished aluminum, wood shake shingles, or fiberglass/asphalt shingles less than three hundred twenty-five (325) pounds per one hundred (100) pounds per square feet shall not be permitted.
6. All manufactured home running gear, tongues, axles, and wheels must be removed at the time of installation. Mechanical equipment such as electrical meter, coolers and air conditioning units, service components, and similar devices, whether ground level, wall mounted, or roof mounted, shall be ~~screened and~~ designed to appear as an integral part of the building. ~~Vegetative material may be used as a screening device if the plant material used is of a variety and size to sufficiently screen the equipment.~~
7. Garage or Carports: The garage or carport *shall incorporate* the design and materials of which shall be compatible with the main structure.
8. ~~Accessory Structures: Wood or metal porches, decks or verandas are only permitted on the front of the home when covered with a roof.~~
8. *All setbacks, parking, lot coverage, height and sign requirements of the base district shall apply.*
9. *Manufactured homes not meeting installation and/or architectural requirements specified in this Article, shall be permitted only upon approval of a Conditional Use Permit, pursuant to the provisions of § 3.3 of this Ordinance.*

~~B. Manufactured Home Land-Lease Developments: The manufactured home (land lease~~

development) shall comply with the following design elements.

**1. Site Size and Dimensional Requirements:**

- a. Minimum Size: A manufactured home land lease development shall be a minimum of ten (10) acres in area.
- b. Space Size: Each manufactured home space shall comply with the area requirements of the underlying zone district.
- c. Setbacks: Each manufactured home space shall comply with the setback requirements of the underlying zone district.
- d. Open Space: Each manufactured home (land lease development) shall provide at least ten (10) percent of the net area for open space. Such open space areas may include natural area open space easements and active recreational areas such as community buildings, swimming pools, play areas, etc.

**2. Utilities and Streets:**

- a. Location: All utilities within a manufactured home land lease development shall be located underground.
- b. Water: Connection to the water system serving the Town and installation of fire hydrants meeting Town standards are required.
- c. Sewer: Connection to the public sewer system or installation of an approved package treatment plant is required.
- d. Spaces: Each space shall be equipped with electricity, drinking water and wastewater disposal facilities.
- e. Streets: Each land lease development shall be improved with paved private streets built to the specifications of the Town of Superior.
- f. Access: No manufactured home space shall have direct vehicular access to a public street or private street outside of the development.

**3. Manufactured Home Standards**

- a. Minimum Width: The minimum width of the main portion of the structure shall be sixteen (16) feet, exclusive of any garage or carport area, as measured across the narrowest portion.
- b. Foundation: The manufactured home shall be placed on an excavated and back filled foundation, and enclosed continuously at the perimeter with material comparable to the predominant materials used in foundations of conventional site built homes.
- c. Exterior Siding: Exterior siding shall be made of non-reflective and non-metallic materials. Acceptable siding materials include: vinyl, wood, stucco, brick, stone, or other masonry materials or any combination of these materials. The use of "T1-11" siding (rough sawn plywood siding with vertical grooves at four (4) inches or eight (8) inches O.C.) shall be avoided.
- d. Roof Structure and Material: All roof structures shall be sloped and provide an eave projection of no less than six (6) inches and no greater than thirty (30) inches. Unfinished galvanized steel or aluminum, wood shake shingles, or fiberglass/asphalt shingles less than three hundred twenty five pounds per one hundred (100) sq. ft. shall not be permitted.
- e. Mechanical Equipment: All manufactured home running gear, tongues, axles, and wheels must be removed at the time of installation.
- f. Garage or Carport: The design and materials of the manufactured home garage or carport shall be compatible with the main structure.
- g. Steps: If the dwelling unit has steps leading to the front entry the steps shall be attached to a permanent foundation and designed and

- constructed to be an integral part of the exterior of the dwelling unit.
- ~~h. Anchor Ties: The structure shall be anchored to the ground, in accordance with approved manufactured home installation standards for high wind areas.~~
  - ~~i. Additions: All additions and alterations shall be in compliance with the International Building Code (I.B.C.) as adopted by the Town, or in compliance with the most current HUD code standards and the housing manufacture's specifications.~~
  - ~~j. Vacant Manufactured Homes: No storage of unoccupied or damaged manufactured homes is permitted.~~
- ~~C. The building official may approve deviations from one or more of the developmental or architectural standards provided herein on the basis of finding that the materials to be utilized or the architectural style proposed for the dwelling will be compatible and harmonious with existing structures in the vicinity.~~

#### **§11.6 USES SUBJECT TO CONDITIONAL USE PERMIT**

- ~~A. Manufactured Homes on Parcels or Individual Lots: Pursuant to the requirements of Article III, §3.3 a property owner may apply for a Conditional Use Permit (CUP) to place a manufactured home on a parcel or individual lot which does not meet the minimum width requirements of this Article. The remaining development standards as outlined in §11.5 of this Article may not be varied or deleted by the granting of a CUP. The criteria for granting a CUP shall be based upon the following:~~
- ~~1. There currently exists a manufactured home or mobile home on the property which does not meet the twenty four (24) foot width requirement (is not multi-sectional).~~
  - ~~2. The configuration of the lot or parcel involved would preclude the placement of a twenty four (24) foot wide manufactured home on said lot or parcel. However this does not permit the placement of a manufactured home on a lot that does not meet the minimum area requirements for the zone district in which it is located.~~
  - ~~3. The upgrade would be beneficial to the residents of the Town of Superior after considering all relevant factors including, but not limited to aesthetics, safety, and health.~~
  - ~~4. Provisions of this article, other than the width of the structure, shall be complied, with by the applicant.~~
- ~~B. The Planning and Zoning Commission and/or the Town Council may approve deviations from one (1) or more of the design standards provided herein (e.g. roof slope, foundation, mechanical equipment screening) on the basis of finding that the materials to be utilized or the architectural style proposed for the dwelling will be compatible and harmonious with existing structures in the vicinity.~~

#### **§11.7 EXCEPTION**

~~This Article shall not prohibit the continued occupancy of a non-certified mobile home or manufactured home located and occupied as a private residence within the Town at the time of adoption of this Article. Existing mobile homes or manufactured homes that are not in compliance with the design standards of this Article at the time of its adoption shall be brought into compliance as additions or alterations to the structures are requested as may be required by the provisions of this Ordinance on non conforming structures. The existing mobile home or manufactured home may be replaced in its entirety only with a manufactured home that is in compliance with all of the design standard and other provisions of this Article.~~

## **§11.6 COMPLIANCE WITH OTHER PROVISIONS**

- A. **General Provisions:** The General Provisions *as set forth* in Article XIII ~~herein shall apply.~~
- B. **Parking Regulations:** The Parking Regulations *as set forth* in Article XIV ~~herein shall apply.~~
- C. **Outdoor Lighting:** ~~All~~ Outdoor lighting ~~shall comply with~~ **as set forth in** Article XV ~~herein shall apply.~~

## **§11.9 DENSITY, AREA, BUILDING AND YARD REGULATIONS**

The chart which follows (Table No. 7) specifies the minimum lot sizes, minimum lot width, maximum building heights, minimum yard setbacks, maximum lot coverage percentages, and distance between buildings.

**TABLE NO. 7**

### **Zoning Ordinance Summary – Manufactured Home Overlay**

District	Lot Area & Area/Du (Sq. Ft.)	Width (Feet)	Bldg. Height (Feet)	Minimum Yard Setbacks				Lot Coverage	Distance Between Buildings
				Front	Side	Street Side	Rear		
MH-RI-15	15,000	120	24	25	10	25	25	35%	10
MH-RI-12	12,000	100	24	20	10	20	25	40%	10
MH-RI-8	8,000	80	24	20	5	20	25	40%	10
MH-RI-6	6,000	60	24	20	5	20	25	40%	10

## **ARTICLE XII - PLANNED DEVELOPMENT OVERLAY ZONE DISTRICTS**

### **§ 12.0 PURPOSE**

The purpose of the Planned Development ~~Overlay~~ Zone Districts is to provide for the orderly development of land consistent with the Town's ~~of Superior~~ General Plan and Zoning Ordinance while permitting flexibility in the design and development of residential, commercial and/or industrial developments of a quality which could not be achieved by traditional lot by lot development under conventional zoning concepts. ~~The Planned Development Overlay Zone District are further delineated in the following categories:~~

- A. ~~**Planned Development Overlay Districts:**~~

1. ~~**Planned Area Development (PAD) Overlay Zone District:**~~ The purpose of this overlay zone district is to allow for innovative design and flexibility in projects which are planned for development as a cohesive unit. The intent of this district is to provide for creative, high quality development which incorporates the following:
  - a. ~~Substantial open space and/or recreational facilities held in common ownership.~~
  - b. ~~Private or public streets.~~
  - c. ~~The preservation of significant aspects of the natural character of the land.~~
  - d. ~~Building design, site design, and amenities that create a unique alternative to conventional development.~~
  - e. ~~Property owners' associations and recorded covenants, conditions, and restrictions.~~
2. ~~**Development Master Plan (DMP) Overlay Zone District:**~~ The purpose of this overlay zone district is to allow for conceptual zoning of large land parcels into planned uses for future development. The intent is to allow for both specific site plan zoning for immediate project development, as well as conceptual development plans with specific site plans deferred to the time of future project development.

#### **§12.1 MINIMUM LOT SIZE**

- A. ~~The minimum size for any "PAD" district shall be forty (40) acres.~~
- B. ~~The minimum size for any "DMP" district shall be one hundred sixty (160) acres.~~
- C. ~~The Town Council shall have the authority to consider smaller parcel acres as circumstances necessitate.~~

#### **§12.2 USE REGULATIONS**

- A. ~~The "PAD" and "DMP" Overlay Zone Districts are to be used in conjunction with one (1) or more underlying zone district(s). An "underlying zone district" shall mean those zone districts set forth in Article IV of this Ordinance. Permitted uses in the "PAD" and "DMP" Overlay Zone Districts shall be only those uses listed as permitted "by right" within the underlying zone districts or combination of underlying districts, as approved by the Town. Permitted uses are subject to all other applicable standards of this Ordinance.~~
- B. ~~A "PAD" and/or "DMP" Overlay Zone District may be approved with modifications of the requirements of the underlying zone district so long as the intent of this zoning ordinance is met, and the resulting land use will be of a quality comparable to or exceeding the quality which would otherwise result under conventional zoning concepts.~~
- C. ~~Notwithstanding the above, no modifications of the requirements of the underlying zones with respect to overall density and use shall be approved. For the purpose of calculating density, the equation shall be as follows:~~

$$D = \frac{du}{A} (e + i + s + a + os) \text{ where:}$$

- D = Density  
 du = Total number of dwelling units.  
 A = Total site area (acres)  
 e = Total commercial land (acres)  
 i = Total industrial land (acres)

- s = Reserved but undedicated school sites (acres)
- a = Arterial or collector rights of way (acres)
- os = Open Space

- ~~D. All "PAD" and "DMP" developments shall be phased so that the density of any phase, when combined with previously constructed phases, does not exceed the approved overall development density.~~
- ~~E. Applications for changes or modifications of the underlying zone district(s) shall be submitted and processed concurrently with an application requesting approval of a "PAD" or a "DMP".~~
- ~~F. The zoning of areas for neighborhood retail uses shall not become effective until one-half (1/2) of the total number of dwelling units planned are completed.~~
- ~~G. Adequate guarantee must be provided to insure permanent retention of the "open space" land area, resulting from the "PAD" and/or "DMP" plan approval, either through application of the Open Space Zone Districts, by dedication to the public, or a combination thereof.~~

### **§12.3 PLANNING REVIEW PROCESS**

- ~~A. Requests for "PAD" and "DMP" Overlay Zone District(s) shall be processed in accordance with §3.2 of this Zoning Ordinance. Additional materials may be required due to the complexity or size of the proposed development. Additional materials may be but are not limited to the following:
 
  - ~~1. "Design Guidelines" which both narratively and graphically describe the character, site planning, architecture and landscaping that can be expected from the development for the various underlying zone districts.~~
  - ~~2. Preliminary Drainage Report (refer to §7.2 (e) of the Town's Subdivision Ordinance for specific details).~~
  - ~~3. A Parcel Statistical Table.~~
  - ~~4. A Native Plant Preservation and Salvage Plan (refer to §7.2 (d) of the Town's Subdivision Ordinance for specific details).~~
  - ~~5. A Slope Analysis and Land Disturbance Analysis (refer to §6.3 of the Town's Subdivision Ordinance for specific details).~~
  - ~~6. A Visual Analysis (refer to §6.3 of the Town's Subdivision Ordinance for specific details).~~
  - ~~7. A schedule of development (i.e., Phasing Schedule) of the specific, proposed use or uses for which rezoning is required. The schedule for development shall include a construction schedule for various phases of the development if construction phases are anticipated.~~
  - ~~8. Traffic Impact Study (refer to §7.2 (e) of the Town's Subdivision Ordinance for specific details).~~~~
- ~~B. Following adoption of the "PAD" or "DMP" master plan or final document as the case may be, said plan shall not be changed, amended or altered in any manner except as set forth herein. Any substantial change or alteration in the physical or spatial characteristics of the plan or its configuration shall be considered a rezoning and shall only be accomplished pursuant to the provisions of this Article and processed in accordance with §3.2 of this Zoning Ordinance.~~

### **§12.4 REVIEW CRITERIA**

- ~~A. The development application proposes substantial land use planning standards and principles over and beyond the minimum standards required by the conventional application of this Ordinance.~~
- ~~B. The development application proposes at least three (3) distinct zone districts and a mix~~

- of housing types and styles creating neighborhoods and a sustainable community.
- ~~C. The development application demonstrates by narrative specific goals exceeded in the General Plan and demonstrates how the overall goal of the General Plan is exceeded by the proposed development.~~
- ~~D. The development application represents a unique and ingenious approach to land use development that separates itself from other typical suburban and/or urban development found within the region.~~

~~§12.5 DESIGN STANDARDS~~

- ~~A. Applications for a "PAD" or a "DMP" Overlay Zone District may include a request to modify the development requirements of the underlying zone district, except as to overall density and use. Modifications to the underlying zone district requirements shall be permitted only upon a finding that the proposed land use will include all or a minimum of ninety (90) percent of the design elements and/or amenities listed below:~~
- ~~1. The proposed land uses and site design standards enhance and protect environmentally sensitive areas.~~
  - ~~2. Protects natural features, preserves view corridors, and preserves ridges and peaks through the transfer of development densities and similar strategies. Refer to §6.3 of the Town's Subdivision Ordinance.~~
  - ~~3. Delineates the required common open space. Refer to §6.2 of the Town's Subdivision Ordinance for the standards required by the various uses.~~
  - ~~4. Recreation and open space facilities proposed by the development are linked to the community wide open space system as applicable.~~
  - ~~5. Development adjacent to washes, where public trail systems have been identified in the General Plan, shall have trail improvements designed with Town standards and such improvements shall be dedicated to the Town upon completion.~~
  - ~~6. Sidewalks and bike lanes are included in all planned arterial street improvements. Refer to §6.5 of the Town's Subdivision Ordinance.~~
  - ~~7. Incorporates sidewalks or other related pedestrian facilities within all collective street improvements. Refer to §6.5 of the Town's Subdivision Ordinance.~~
  - ~~8. Provide safe pedestrian and bicycle access to schools, parks, churches or other such community facilities located within the boundary of the development.~~
  - ~~9. Functional neighborhood scale recreation facilities and amenities shall be provided which are linked to open space areas. If retention/detention basins are used in conjunction with recreational facilities or amenities, it shall be designed in accordance with §6.2 of the Town's Subdivision Ordinance.~~
  - ~~10. Establishes a homeowner or property owner association to maintain all roadway/right of way landscaping, pedestrian and bicycle paths to the Town's standards at a minimum.~~
  - ~~11. Proposes a mix of housing types, architectural styles, and development densities as described in §6.2 of the Town's Subdivision Ordinance. Not less than ten (10) percent and not more than twenty five (25) percent of all dwelling units shall be offered as affordable housing.~~
  - ~~12. Reserves a park/school combination site(s) in accordance with the Town of Superior General Plan.~~
  - ~~13. (Optional Element): Dedication of school park site(s) are incorporated. Park sites that are intended to be open to the public, where dedication to the Town is proposed, shall be in accordance with adopted standards.~~
  - ~~14. (Optional Element): Activity centers are to provide a wide range of appropriate recreational services.~~
  - ~~15. Solar siting and installation as set forth in Article XIII, §13.14 (Solar siting)~~



- ~~B. The Town Council may determine that due to the complexity of the project, sensitivity of the area, or scale of the project, other design elements and/or amenities shall be required along with the "PAD" and/or "DMP" approval, which may exceed or be in lieu of the minimum ninety (90) percent design elements provided.~~

~~§12.6 COMPLIANCE WITH OTHER PROVISIONS~~

- ~~A. General Provisions: The general provisions in Article XIII herein shall apply.~~  
~~B. Parking Rregulations: The parking regulations are as provided in Article XIV herein.~~  
~~C. Outdoor Lighting: All outdoor lighting shall comply with Article XV herein.~~

§ 12.1 Planned Development (PD) Zone District

A. Applicability. *The PD zone district is intended to be applied when:*

1. *The objectives of the General Plan would be more effectively achieved through the design flexibility of a PD zone district; or*
2. *The physical characteristics of a site necessitate restricting conventional development opportunities to preserve a significant amenity or natural feature, or mitigate a man-made or natural hazard; or*
3. *It is necessary to ensure land use compatibility and appropriate design by requiring the merging of areas or parcels into a single overall land use plan and site design that might otherwise be developed separately.*

B. Land Use Regulations:

1. *Uses within a PD zone district shall be established by a development plan approved for the site.*
2. *Uses established by a development plan shall be consistent with the text and land use map of the General Plan and any applicable planned development or specific plan for the project site.*
3. *Prior to the approval of a zone change to "Planned Development," the conditions of approval for the development plan, approved in accordance with the provisions of this Article, shall establish the permitted and the conditionally permitted primary and accessory uses for a planned development project.*

C. Application Procedures: *An application for change of zone to a PD zone district shall involve the following:*

1. *An application for a zone change to PD shall be accompanied by a preliminary development plan that addresses all land included within the proposed PD zone district.*
2. *Prior to the formal submission of a planned development application, the project applicant shall meet with the Zoning Administrator. The meeting is intended to acquaint the applicant with the procedural requirements of this Article, provide an opportunity to discuss the proposed development concept and the plan's compatibility with or variance from, any applicable policies, issues, or development regulations.*

3. *The application for a change of zone to the PD zone district shall be acted upon by the Town Council in a manner consistent with the provisions of this Code.*
4. *Upon adoption of the PD district and the accompanying preliminary development plan, further action by the Town Council concerning the approval of the PD application (final development plan or plat map) is not required unless specifically requested by the Town Council. If the Council does not specifically request approval of the final development plan, then the Town Manager may approve that final plan, subject to the following:*
  - a. *The Town Council shall read the enabling ordinance for the district change to the PD zone district prior to approval of the final development plan.*
  - b. *In the event a PD zone district is carried out in phases and separate final development plans are to be approved for each phase, the Town Council shall have read the enabling ordinance for the entire project.*
  - c. *An application for a final development plan may be for a portion of the land included within the PD zone district or a phase thereof, provided that:*
    1. *Each phase shall function as a complete and separate development from the remaining phases;*
    2. *Any densities proposed or open space areas provided within the subject phase shall not result from transfer of densities from adjoining phases;*
    3. *Other improvements that may be necessary to protect the public health, safety, and welfare have been required.*

**D. Preliminary and Final Development Plan Contents:**

1. *The development plan shall function as a development suitability analysis and land use concept plan that achieves the following:*
  - a. *Identifies and quantifies constraints and opportunities for development posed by:*
    1. *The physical characteristics of the site;*
    2. *The availability of public services and facilities;*
    3. *The capacity of the existing circulation system; and*
    4. *The existing and planned land use of adjacent properties.*

- b. *Establishes a list of specific limits, parameters, and planning objectives to guide development based on the identified development constraints and opportunities.*
  - c. *Describes one or more potential development schemes derived from the limits, parameters, and planning objectives controlling development. Each proposed development scheme shall describe the following:*
    - 1. *Proposed land uses and approximate distribution of such land uses;*
    - 2. *Proposed density of residential uses;*
    - 3. *Estimated service demands;*
    - 4. *The anticipated impact on the existing circulation system;*
    - 5. *The anticipated impact on adjacent properties; and*
    - 6. *The relationship of the project to the General Plan.*
- 2. *The development plan shall function as an overall comprehensive plan for development for the PD zone district that sets forth a written text, maps and/or diagrams, a detailed plan of development based upon the application of the established parameters, and planning objectives controlling development. Said plan shall describe in detail the following:*
  - a. *Proposed land uses and building types, the functional management of such uses and building types and relationship to the site, site grading, circulation, lighting, paving, parking, screening, setbacks, recreation and open space areas, and adjacent properties;*
  - b. *How the established limits, parameters and planning objectives have been adhered to;*
  - c. *The level of public services and facilities required by the proposed development and the program for providing, operating and maintaining such services and facilities;*
  - d. *Access and circulation requirements;*
  - e. *Known man-made and natural hazards and methods for mitigation of such hazards;*
  - f. *Significant natural features and areas to be retained for common open space and provisions for the preservation conservation, utilization, and maintenance of such areas, and*
  - g. *How the plan conforms to the objectives of the General Plan and the provisions of this Article.*

3. *The development plan shall set forth the location and dimensions of all uses and structures in sufficient detail to permit preparation of construction drawings.*
4. *If ambiguity exists as to the specific dimensions or extent of any designated area on the development plan, the specific boundaries shall be set by the filing of a legal description and map of the parcel in question.*

**E. Findings**

1. *Prior to approving a request for a zone change to the PD zone district, the Town Council shall find all of the following:*
  - a. *That the proposed plan is consistent with the General Plan.*
  - b. *That the physical characteristics of the site have been adequately addressed and that the site is adequate to accommodate all proposed land uses and the general arrangement of such uses.*
  - c. *That the plan adequately addresses and reflects all natural and man-made hazards associated with the project site.*
  - d. *That the capacity of the circulation system is adequate or can feasibly be improved to accommodate the anticipated requirements of the proposed project.*
  - e. *That realistic, feasible methods exist to accommodate the public service and facilities requirements of the proposed project.*
  - f. *That the proposed land uses and proposed arrangement of such uses will be compatible with the existing and planned land use of adjacent properties.*
2. *Prior to approving an application for a final development plan, the Town Council, if not waived by the Council, shall make the following findings otherwise the Town Manager shall make the findings:*
  - a. *That the proposed development is consistent with the General Plan.*
  - b. *That the site for the proposed development is adequate in size and shape to accommodate proposed uses and development standards for all yards, open spaces setbacks, walls and fences, parking areas, loading areas, landscaping, and other features.*
  - c. *That the improvements required by the conditions of approval and the proposed manner of development adequately addresses any natural and man-made hazards affecting the proposed development and the project site.*
  - d. *That the site for the proposed development has adequate ingress and egress.*

- e. *That adequate public services exist, or will be provided in accordance with conditions of approval, to serve the proposed development, and that approval of the proposed development will not result in a reduction of such public services to properties in the vicinity in a manner that is detrimental to the public health, safety, and welfare.*
- f. *That the proposed development, as conditioned, will not have a substantial adverse effect on surrounding property or the permitted use thereof, and will be compatible with existing and planned land use character of adjacent properties.*
- g. *The final plan is in substantial compliance with the approved development plan.*

### **ARTICLE XIII – GENERAL PROVISIONS**

#### **§ 13.0 PURPOSE**

The purpose of this Article is to establish general development and performance standards applicable to all Zone Districts. The standards and regulations set forth in this Article shall qualify or supplement, as the case may be, the District Regulations set forth elsewhere in this Ordinance. Any use that is not specifically allowed or not analogous is hereby declared to be prohibited.

#### **§ 13.1 USE RESTRICTIONS**

- A. **Permitted Uses:** Shall be only those uses listed as permitted uses within the zoning districts and shall be subject to the specific requirements of the ordinance.
- B. **Conditional Uses:** Shall be only those uses listed as conditional uses and shall require a Conditional Use Permit in order to be established within the zoning district in which they are listed.
- C. **Unspecified Uses:** Whenever a use is proposed that is not listed as a permitted or conditional use in any zone district, the Zoning Administrator may make such a determination concerning its applicability. The Planning and Zoning Commission may be consulted to determine the appropriate zoning classification of such use. In making their determination, the Planning and Zoning Commission shall consider similar uses ~~which are~~ listed in this Ordinance.

#### **§ 13.2 SUBDIVIDING RECORDED LOTS**

- A. No lot may be divided to create a lot not in conformance with these regulations. No lot shall be divided or combined in any manner other than through subdivision procedures as specified by the Town's Subdivision Ordinance.
- B. No lot may be reduced in area so as to cause any open space or yard required by this Ordinance to be less in dimension than is required for the Zoning District and lot in question.

### § 13.3 STREET DEDICATION REQUIREMENTS (RESERVED)

- ~~A. All lots shall abut a dedicated and accepted public street connecting to the publicly dedicated and accepted street system. Through the "PAD" or "DMP" process as described in Article XII of this Ordinance, the Town Council may allow private streets.~~
- ~~B. Except for lots abutting private streets which have been specifically permitted for a "PAD" or "DMP" a building permit shall not be issued for a recorded lot, which does not abut a dedicated and accepted public street and the abutting street does not connect to the publicly dedicated and accepted street system.~~
- ~~C. Prior to the acceptance by the Town of the dedication of a public street, such street shall be designed, graded, and paved in accordance with the provisions of all applicable street standards of the Town of Superior.~~

### § 13.4 UNSUITABLE SITES

No land shall be used, or structure erected, if the Planning and Zoning Commission has determined that the land is unsuitable for such use or structure by reason of potential flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low percolation rate or bearing strength, erosion susceptibility or any other feature or features which may render such use or structure likely to be harmful to the health, safety and general welfare of the community. The person or entity proposing such use or structure on land determined by the Planning and Zoning Commission to be unsuitable for such use or structure may appeal the Planning and Zoning Commission's determination of unsuitability and may present evidence to the ~~Town Council~~ **Board of Adjustment** in support of such an appeal. The ~~Town Council~~ **Board of Adjustment** thereafter may affirm, modify, or withdraw the determination of unsuitability.

### § 13.5 PERFORMANCE STANDARDS

- A. Every activity, operation, or land use shall comply with the following performance standards regardless of the zone district in which it is located. Provisions for enforcement of compliance with these performance standards shall be invoked by the Zoning Administrator against any use wherever there is reasonable evidence that performance standards are being violated by such use.
5. Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. No emission shall be permitted which can cause *health* damage to humans, to animals, or to vegetation. ~~or other forms of property, or which can cause excessive soiling.~~

### § 13.6 PROJECTIONS INTO REQUIRED YARDS

- A. Except as authorized in this Article, the space in any required yard *setback* shall be open and unobstructed, except for the ordinary projections of chimney flues, awnings, open outside stairways and balconies, window sills, belt courses, cornices, eaves and other architectural features provided such features shall not project further than *three (3) feet into any required side yard or front yard setback nor more than* five (5) feet into any *required rear yard setback.* ~~and provided further that In no case shall such projections be nearer than five (5) feet to any property line.~~

- B. Bay windows, including their cornices and eaves, may project into any required yard not more than three (3) feet, provided the sum of such projections on any wall does not exceed one-third (1/3) the length of the wall. ~~and provided that in no case shall such projections be nearer than five (5) feet to any property line.~~
- C. Mechanical equipment, such as air conditioners, may be ~~constructed~~ **located** within ~~any a~~ **side or rear** yard in conformance with this Ordinance, provided that in no case shall said mechanical equipment create an open side yard area of less than ~~three (3)~~ **five (5)** feet. This open clear area extends from the front of the structure to five (5) feet beyond the rear of the structure. All mechanical equipment shall be screened **as much as possible** from public view.
- D. Upon compliance with the provisions of § 3.3 of this Ordinance, a Conditional Use Permit (~~permit~~) (CUP) may be granted for the following encroachments within a single residential district provided that no structure shall encroach or overhang any property line or public right-of-way and all drainage from such structures must flow onto the owner's property:
  - 1. A ~~permit~~ **CUP** may authorize a side entry garage to project into a required front yard a distance not to exceed ten (10) feet, but such structure shall not extend into any required side yard.
  - 2. A ~~permit~~ **CUP** may authorize an open carport to project into a required front yard, provided all other provisions of this Ordinance are complied with, and such authorization is consistent with the carport structures that have been legally placed upon other residential properties on the block on which the applicant's property is located.
- E. Any ~~permit~~ **CUP** granted pursuant to subsection (D) of this Section shall be at the sole discretion of the ~~Town Council after receiving the recommendation of the~~ Planning and Zoning Commission ~~and upon~~ considering other legally existing encroachments of the nature requested in the area in which the applicant's property is located.

### **§ 13.7 HEIGHT LIMITATIONS**

- A. **Building Height:** No building shall be erected, reconstructed, or structurally altered to exceed the height limitations designated for the zone ***district*** in which such building or structure is located. Height regulations established elsewhere in this Ordinance shall not apply to the following:

### **§ 13.8 ACCESSORY BUILDINGS AND USES**

- A. Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal building has ~~been actually~~ commenced or the primary use **has been** established. Accessory buildings shall not be used for dwelling purposes except for a guest house as permitted **in § 13.15** of ~~elsewhere in~~ this Ordinance.
- B. Detached accessory buildings shall not be located in the required front yard. ~~and may be built in the required rear yard, but~~ Such accessory buildings **may be permitted in the rear yard but** shall not occupy more than thirty (30) percent of the required rear yard, and shall not be nearer than five (5) feet to any side or rear lot line. ~~or setback line.~~

1. Should ~~the~~ **an** accessory building be located partially within the required rear yard and partially within the buildable area, that portion within the buildable area shall be set back from any side or rear lot line one (1) foot for every one (1) foot of height of the accessory building, but at no time shall it be closer to any side or rear lot line than five (5) feet.
2. Accessory buildings located in the rear half of the lot, at the rear of the principal structure may be located nearer than the otherwise required side yard setback, provided it is set back from a side or rear lot line one (1) foot for every one (1) foot of height of the accessory building, but at no time shall it be closer to any side or rear lot line than five (5) feet.
3. In the case of corner lots, accessory buildings shall maintain side yard setbacks from the street side lot line as required for the main structure in that zone; and when a garage is entered from an alley, it shall not be located nearer than ten (10) feet to the alley ~~line~~.
4. **Accessory buildings** shall not exceed the height regulations of the **applicable** zone district within any part of the buildable lot area, and shall not exceed fifteen (15) feet in height in any required ~~yard~~ **rear yard setback area as set forth in subsections 13.8.B.1, 2, and 3. above**

#### **§ 13.9 FENCES AND WALLS**

- A. No person, ~~firm, or corporation~~ shall construct, or cause to be constructed or erected, any fence or wall within the Town, without first making application for and obtaining a building permit for such construction.
- B. All fences and walls shall be located entirely on the private property of the person, ~~firm or corporation~~ constructing, or causing the construction of any such fence or wall unless the owner of the adjoining property agrees, in writing, that such fence or wall may be erected on the division line of the respective properties.
- C. Every fence or wall shall be constructed in a diligent workmanlike manner and of substantial material reasonably suited for the purpose for which the fence or wall is proposed to be used. Every fence or wall shall be maintained in a condition of reasonable ~~good~~ repair, ~~and~~ shall not be allowed to become and remain in a condition of disrepair, damage, or unsightliness, and shall not be allowed to constitute a nuisance, public or private. Any such fence or wall which is, or has become, dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or neglect shall be deemed to be a public nuisance and the Zoning Administrator may commence proper proceedings for the abatement of such nuisance.
- D. ~~Electrical, barbed wire, or razor wire fences or walls shall be prohibited.~~ **Prohibited fencing includes, but is not limited to, rope, string, wire products, including chicken wire, wire fabric and similar woven fabrics, chain netting, cut or broken glass, unapproved corrugated metal panels, galvanized sheet metal, plywood, tires, barbed wire, razor wire, electrical wires or weaved fabrics, or other materials not manufactured specifically as fencing materials.**



- E. In all *zone* districts no fence or wall shall be erected or maintained at a height of ~~no greater than three (3) feet six (6) inches~~ ***thirty-six (36) inches*** within the required front or ~~street-side yard setback area.~~ ***However, a fence or wall in the front yard setback area may be forty-two (42) inches high provided that visibility over thirty-six (36) inches high is unobstructed.*** In all *other instances* districts the maximum height of any fence or wall ~~shall~~ ***may*** be six (6) feet. These height regulations shall not apply when fences ***or walls*** of a greater height are required by the Planning and Zoning Commission or Town Council in order to provide adequate screening as required by this Ordinance ***or by conditions of an approved conditional use permit.*** Utility companies which are regulated by the Arizona Corporation Commission may be allowed increased fence heights due to national or state standards.

#### **§ 13.11 OUTDOOR STORAGE AND JUNK AUTOMOBILES**

- A. With the exception of retail sales displays in ~~an approved commercial area~~ ***a commercial zone district***, outdoor storage shall be screened from public view by a six (6) foot high solid masonry fence or a view obscuring fence. The presence of hazardous materials ~~not to be used~~ on-site is prohibited.

#### **§ 13.15 SECOND DWELLING UNITS**

- D. Development Standards: The following standards shall apply to all second dwelling units:
7. The second dwelling unit shall have ***an*** adequate water supply and sewer service.

### **ARTICLE XIV – PARKING PROVISIONS**

#### **§ 14.6 ADJUSTMENTS TO PARKING REQUIREMENTS**

~~No on-site parking is required in the commercial area of the Town Center Zone District. However if on-site parking is to be provided, the standards of Article XIV (Parking Provisions) shall apply.~~

A. **Modified Parking Requirements in the Town Center Zone District:**

1. ***Modified parking requirements have been developed for use in the Town Center zone district as an incentive to preserve and maintain existing historic structures and to encourage new structures that are compatible with the historic character of the downtown area. The Planning and Zoning Commission shall have the authority to approve a request for a parking adjustment subject to the provisions of this Section, the decision of which may be appealed to the Board of Adjustment as provided in § 3.7 of this Ordinance.***
2. ***For land uses located in the Town Center Zone District, off-street parking requirements may be modified by the Planning and Zoning Commission by utilizing any combination of the following techniques:***
  - a. ***A reduction of the required number of parking spaces by fifty (50) percent.***

- b. *The crediting of on-street parking spaces which are adjacent to the frontage of the designated structure/site towards the total number of required off-street parking spaces required for the use, provided that a determination is made that such on-street parking will remain available for public parking during business hours in the future.*
  - c. *Allow the use of off-site parking in parking lots that are located within four hundred (400) feet of the structure where the applicant has provided adequate incentives for the use of such parking lots.*
  - d. *Allow vehicles to back out onto alleys or streets where it is determined that visibility is good and such backing out of vehicles can be done safely.*
  - e. *Allow fifty (50) percent of a parking lot, located on the site of the structure/use to be compact spaces.*
  - f. *Allow tandem parking where it is determined that such parking would be effectively and safely used.*
  - g. *Provide for in-lieu fees where such fees are applied to an identified parking district or other similar mechanism that will contribute to the development of public parking within the general area.*
3. *Findings for Approval: The Planning and Zoning Commission and/or the Board of Adjustment shall find any of the following:*
- a. *The proposed parking modification and use of the structure is necessary or desirable for the greater development of the community, is in harmony with the various elements and objectives of the General Plan, and is not detrimental to existing uses or to uses specifically permitted in the Town Center Zone District.*
  - b. *That approving the proposed parking adjustment and use will significantly improve the possibility that structures will be preserved and maintained.*
  - c. *That the proposed parking scheme will function safely.*
  - d. *That the approval of the parking adjustment will not harm the integrity of the structure of the surrounding neighborhood.*
4. *Off-street parking and loading requirements, as specified in this Article may be further modified by the Board of Adjustment for properties located within the Town Center Zone District when it has been determined that every effort has been made to comply with the provisions of this Article, specifically § 4.6 and § 4.7, and the Board of Adjustment determines that it is in the best interest of the Town to further waive the parking requirements set forth in this Article.*
5. *As a condition of approval to the granting of a reduction in required parking, the Planning and Zoning Commission or the Board of Adjustment may require*

*the granting of reciprocal access and parking agreements with surrounding properties, recordation of conditions, covenants, and restrictions, or creation of other legal instruments to assure the permanent continuation of the circumstances under which parking requirement reductions were granted.*

## **ARTICLE XVII – SIGN PROVISIONS**

### **§ 17.2 DEFINITIONS**

For the purpose of this Article, the following words, terms, and phrases shall have the following meanings: ~~as prescribed in Appendix A of this Ordinance:~~

**Awning, Canopy, or Marquee Sign:** A sign that is mounted or painted on, or attached to, an awning, canopy, or marquee that is otherwise permitted by *this* Ordinance. A marquee is defined as a canopy constructed of rigid materials which projects over an entrance to a building.

**Bulletin Board:** *An on-site* sign which identifies a noncommercial institution or organization, ~~on-site~~, which contains the name of the institution or organization and associated individuals, and general announcements of events or activities at the institution, or similar messages of general public interest.

**Non-conforming Sign:** A sign lawfully erected and maintained prior to the adoption of this Ordinance which does not conform ~~with~~ *to* the requirements of this Ordinance.

**Vehicle Sign:** A sign mounted, painted or otherwise placed on a trailer, truck, automobile or other vehicle ~~so parked or placed so that the sign thereon is visible from a public street or right-of-way and is so parked primarily for the purpose of displaying advertising signage.~~

### **§ 17.4 PERMITTED PERMANENT SIGNS**

A. Single and Multiple Residence Districts: ~~(R1-190, R1-108, R1-43, R1-15, R1-12, R1-8, R1-6, R1-5, R-2, and R-3)~~ *(AR, RR, ER, SR, R1-8, R1-5, R-2 and R-3)*. In all residential zone districts the following shall apply:

1. Wall Sign:

- a. Single Residence Uses: One (1) wall mounted sign per lot or parcel not exceeding two (2) square feet in area ~~shall~~ *may* be permitted. The sign ~~may~~ *shall* include only the name of the residence or occupant, and the street address.
- b. Multiple Residence Uses: One (1) wall mounted sign per lot or unit not exceeding two (2) square feet in area ~~shall~~ *may* be permitted. The sign ~~may~~ *shall* include only the name of the residence or occupant, and the street address. Building number or letter signs and necessary directional signs for multiple building developments shall be in compliance with Fire *and Police* Department requirements and shall not be counted as part of the aggregate sign area.
- c. Non-residential Uses: One (1) wall mounted sign per lot or parcel not

exceeding six (6) square feet in area ~~shall~~ **may** be permitted. The sign ~~may~~ **shall** include only the name of the facility, organization or development, and the street address.

2. Freestanding/Monument Sign:

- a. Single Family Residence Uses: One (1) freestanding/**monument** sign per lot not exceeding two (2) square feet in area nor **exceeding** a height of ~~five (5)~~ **three (3)** feet ~~shall~~ **may** be permitted. The sign ~~may~~ **shall** include only the name of the residence or occupant, and the street address.
- b. Multiple Family Residential Uses: A maximum of two (2) freestanding identification signs with an aggregate area **not to exceed** ~~of~~ twenty-four (24) square feet may be permitted at each main entrance for an apartment, ~~or~~ condominium complex, or **such** similar ~~such~~ use. The maximum **sign** height shall be five (5) feet. The sign ~~may~~ **shall** include only the name of the development and the street address.
- c. Non-residential Uses: One (1) freestanding sign per lot not exceeding twelve (12) square feet in area nor a height of five (5). The sign ~~may~~ **shall** include only the name of the facility, organization or development, and the street address.

~~3. Total Signage:~~

- ~~a. Single Residence Uses: Only one (1) sign per lot or parcel may be permitted.~~
- ~~b. Multiple Residence Uses: Only one (1) wall sign per individual units or lot may be permitted. A maximum of (2) freestanding identification signs per development may be permitted.~~
- ~~c. Non-residential Uses: Maximum of two (2) signs per lot or parcel may be permitted.~~

3. Subdivision Identification Signs:

- a. A maximum aggregate area of ~~twenty-four (24)~~ **thirty-two (32)** square feet may be permitted **for each sign provided that not more than one sign shall be permitted on each street frontage of the project site.** ~~in accordance with §6.2 of the Subdivision Ordinance.~~
- b. The maximum sign height shall be six (6) feet. The sign may include only the name of the development, and **the name, address, and phone number of the developer or project proponent.** ~~and the street address.~~

4. Reader Panel Signs:

- a. Churches may **be permitted one sign per street frontage provided it does not exceed twelve (12) square feet in area and does not exceed five (5) feet in height.** ~~use up to one half (1/2) of the allowed freestanding sign area for a reader panel.~~
- b. ~~Public and private~~ schools may have one (1) ~~freestanding reader panel~~

sign not to exceed twenty-four (24) square feet in area and six (6) feet in height.

**B.3. Freestanding Signage:**

- ~~a. One (1) freestanding sign shall be permitted per development.~~
- ~~b. For multiple tenant developments one (1) sign may be permitted for every three hundred thirty (330) feet of street frontage. The minimum distance between two (2) signs on the same street frontage shall be three hundred thirty (330) feet.~~
- ~~c. The sign shall not exceed six (6) feet in height.~~
- ~~d. The sign shall not exceed twenty four (24) feet in area.~~
- ~~e. For single tenant buildings the sign may include only the name of the business and the address.~~
- ~~f. For multiple tenant buildings and complexes the sign may include only the center identification name and address.~~

**3. Banners:**

- c. Banners which advertise a Town-authorized special event, a community-wide event, or a community message may be hung on the bridge at Hwy. 177 and US 60 with an approved *Special Event Conditional Use* Permit.

**C. Town Center Zone District:** In the Town Center (TC) Zone District the following types of signs may be permitted, as well as preserved or restored signage historical to the individual buildings, provided that the combined aggregate signage for each ground floor business on a street, *does* not exceed one (1) square foot for each linear street frontage of business, up to a maximum of fifty (50) square feet.

**1. Shingle Signs and Projecting Signs:**

- a. One (1) shingle sign or projecting sign, which is designed and oriented primarily for the aid of pedestrians, may be allowed per business and shall be located ~~immediately adjacent to~~ *on* the business it identifies.
- b. **Said sign** shall have *no less than* a seven and one-half (7 1/2) foot ~~minimum~~ clearance between the bottom of the sign and the sidewalk.
- e. **Said signs shall** ~~May~~ only identify the name of the business. Such signs shall not include advertising copy.
- f. A wall, fascia, or parapet sign ~~is~~ *shall* not *be* permitted if a projecting sign is used to identify the business.

**2. Awning Signs:**

- b. **Said signs shall** ~~May~~ only identify the name of the business *and* ~~Such signs shall not include advertising copy.~~

**5. Banners:**

- c. Banners may be strung across or over the public streets for community events, with an approved *Special Event Conditional Use* Permit.

**D. Industrial Districts:** In the Industrial zone ~~ing~~ districts the following shall apply:

1. Freestanding Signage:

- a. One (1) freestanding sign shall be permitted per ~~development~~ *street frontage*.

E. Open Space Districts: In the Open Space zoning districts the following shall apply:

1. Wall Sign: One (1) wall mounted sign per lot or parcel not exceeding six (6) square feet in area ~~shall~~ *may* be permitted. The sign ~~may~~ *shall* include only the name of the facility, organization or development, and the street address.
2. Freestanding Sign: One (1) freestanding sign per lot not exceeding twelve (12) square feet in area nor *exceeding* a height of five (5) feet ~~shall~~ *may* be permitted. The sign ~~may~~ *shall* include only the name of the facility, organization or development, and the street address.

**§ 17.5 CONDITIONAL USE PERMITS PD ZONE DISTRICT**

~~The following signs may be permissible with an approved Conditional Use Permit: Off site subdivision signs when in conjunction with a PAD or a DMP development with an approved comprehensive sign package which has been approved by the Planning and Zoning Commission and the Town Council.~~

*A comprehensive sign program within the PD Zone District shall be reviewed by the Planning and Zoning Commission. The Commission, upon consideration of the sign program will forward a recommendation to the Town Council. The Town Council may then approve, conditionally approve or deny the sign program as part of the approval process of the PD zone District.*

**§ 17.6 TEMPORARY SIGNS**

A. Banners, Pennants and Displays for Grand Openings:

1. Banners, pennants, and other displays ~~shall~~ *may* be allowed on a one time basis for up to fourteen (14) consecutive days during the grand opening of a business.
2. A Temporary Use Permit ~~must~~ *shall* be obtained prior to the installation of any grand opening banners, pennants, signs, balloons, or other displays.

E. Banner Signs:

1. Banners shall be made of cloth, nylon, or similar material.
2. Banners may be used in conjunction with a grand opening or a special business event with an approved Temporary ~~Conditional~~ Use Permit.
3. Such Temporary ~~Conditional~~ Use Permits shall be valid for a maximum period of thirty (30) consecutive days.

G. Real Estate Signs: Signs advertising the sale, lease or renting of a building, suite,

dwelling or lot shall conform to the following regulations and are exempt from the total aggregate sign area:

1. In residential zone districts signs shall be non-illuminated and shall not exceed four (4) *square* feet in area or five (5) feet in height. All signs shall be professionally made.
2. In non-residential zone districts signs shall be non-illuminated and shall not exceed six (6) *square* feet in area or five (5) feet in height. All signs shall be professionally made.
3. No off-site real estate development or builder signs shall be allowed.

#### **§ 17.7 SUBMITTAL REQUIREMENTS**

- A. ~~An application for a sign permit must be made in writing on forms provided by the Town. Prior to placement of any sign within the Town limits, the applicant shall complete and sign the Town's form entitled "Application for Sign Permit. The following information will be required on all sign permit applications:~~
- ~~1. Business owner's name, address and telephone number.~~
  - ~~2. Sign contractor's name, address and telephone number.~~
  - ~~3. Inventory of all existing signs on the property showing the type, dimensions, and location of each sign.~~
  - ~~4. Fully dimensioned plans and elevations showing the dimensions, design copy, and location of each proposed sign in relation to the property line(s) and public right of way.~~
  - ~~5. Plans indicating the scope and structural detail of the work to be done including details of all connections, supports, footings, and materials to be used.~~
  - ~~6. Required information for an electrical permit for all signage illumination.~~
  - ~~7. All new signs within a group commercial development shall provide information regarding color(s), material, type, and letter samples, that are for all tenant, freestanding center identification signage, directional signs, window signs and any other information deemed necessary by the Town to adequately review the centers' comprehensive sign package.~~

#### **§ 17.8 EXCEPTIONS**

- A. Permits Not Required: Sign permits are not required for the following signs provided that such signs are subject to all other provisions of this Ordinance. Note: Electric permits are required for all exterior electric signs.
1. Any sign not exceeding six (6) square feet in area and not otherwise prohibited by this Ordinance.
- B. Excepted Signage: The provisions of this Ordinance shall not apply to the following: (Note: Electric permits are required for all exterior electric signs)
1. ~~Rags~~ **Flags**, pennants or insignia of any nation, state, county, town or other political unit, or any church or religious organization.
  2. Tablets, grave markers, headstones, statuary or remembrances of persons or

events that are noncommercial in nature.

3. Works of fine art, historic or cultural artifacts when not displayed in conjunction with a commercial enterprise ~~which~~ **that** may derive direct commercial gain from such display.
4. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic, religious or local holidays or events.
5. Temporary signs for events of a general Town wide civic or public benefit ~~as part of a~~ **when approved by a Temporary Use Special Event** Permit.
6. Signs not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way.
7. The placement and maintenance of official traffic, fire and police signs, signals and devices and markings of the State of Arizona and the Town of Superior or other authorized public agency, ~~and the posting of~~ **provided notices are posted** as required by law.

#### **§ 7.9 PROHIBITED SIGNS**

- A. Any sign not specifically listed as permitted by this Ordinance is prohibited, including, but not limited to the following:
  1. Internally illuminated signs or signs that are animated, audible, rotate, have intermittent or flashing illumination, or emit audible sound or visible matter, except time and temperature units or drive-up menu boards.
  2. Billboards ~~are prohibited in the Town of Superior.~~

### **ARTICLE XVIII – NONCONFORMING USES**

#### **§ 18.1 LIMITATION ON BUILDINGS AND USES**

- B. A nonconforming building, structure, or use shall not be expanded or extended more than fifty (50) percent beyond the floor area ~~or lot area~~ that it occupied on the effective date of this Ordinance or any amendments of this Ordinance, or the effective date of annexation into the Town rendering such building, structure or use nonconforming **provided that any such expansions are in compliance with the requirements of this Ordinance.**
- C. This Ordinance shall not prohibit the continued occupancy of a non-certified mobile home ~~or manufactured home located and occupied as a private residence within the Town at the time of adoption of this Ordinance. which may not be located within a Manufactured Home Overlay District or which may not be in compliance with the design standards of Article XI of this Ordinance. Any existing mobile home or manufactured home that is not in compliance with the design standards of Article XI at the time of the adoption of this Ordinance shall be brought into compliance with said design standards, as additions or alterations to the structures are requested. Any existing mobile home or manufactured home, even if it is not located within a Manufactured Home Overlay~~



## Appendix A

### Glossary of Terms and Definitions

**Abutting, Adjoining, Adjacent:** ~~Having property or zone district lines in common. Contact at boundary with street or alley.~~ *Having district boundaries or lot lines in common. However, where properties would have had lot lines in common, except for the existence of an alley, the lot lines of those properties are considered to be abutting, adjoining, or adjacent.*

**Access, ~~or~~ Access Way, Access Corridor:** ~~The place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Ordinance.~~ *The means of ingress and egress connecting a site to a public roadway system.*

**Accessory Building Structure:** A detached building, situated on the same lot or building site, the use of which is customarily incidental to that of a principal use of the main building or premise

**Accessory Use:** ~~A use, building, structure, part of a building, or part of a structure which is subordinate to, and the use of which is incidental to, that of the main building, structure or use on the same lot, including a private garage. If a building otherwise qualified as an accessory building is attached to the main building by a common wall or roof, such building shall be considered part of the main building.~~ *Any use customarily incidental to, related and clearly subordinate to a principal use established on the same lot or premises. An accessory use may be established only when concurrently constructed with or after the principal use is established.*

**Adjacent:** Nearby, but not necessarily touching.

**Administrative Decision:** ~~Any decision on a development application made by an authorized Town employee pursuant to this Ordinance.~~

**Automobile/Vehicle:** *Motor vehicles, including cars, light duty vans, pick-up trucks, sport utility vehicles and motorcycles.*

**Bed & Breakfast Establishment:** ~~A dwelling in which the occupants of the dwelling provide for compensation the short term lodging and meals for guests, occupying not more than two (2) guest rooms located within the same dwelling. Any dwelling in which more than two (2) guest rooms are provided shall be deemed a hotel.~~

**Building, Front:** *The side of a building which contains the main entrance for pedestrian ingress and egress and which faces the street or access easement. On a corner lot, the side of the building with the smallest lineal dimension containing a main entrance shall be considered the building frontage. The building front may be designated by the owner if the orientation is consistent with other lots and improvements in the immediate vicinity.*

**Building Official:** An employee *or contracted person or firm* of the Town authorized to issue building permits and Certificates of Occupancy and to generally assist in the administration of this Ordinance.

**Building Permit:** ~~An authorization to construct, repair, alter, or add on to a building or structure~~

~~as issued by the Building Official and authorized by the Zoning Administrator. A permit required for the erection, construction, replacement, repair, use and occupancy, demolition, modification, addition to or moving of any building, structure or any appurtenances connected or attached to such building or structure pursuant to Building Codes adopted by the Town Council.~~

**Construction, Start of, Substantial:** *The placement of permanent construction of a structure on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets or walkways, nor does it include excavation for a basement, footings, piers, or foundation, or the erection of temporary forms*

**Density:** A ratio expressing the number of dwelling units *per lot*. ~~lots or spaces per acre. For the purpose of calculating density the equation shall be as follows:~~

$$D = \frac{du}{A - (e + i + s + a + os)}$$

where:

- D = Density
- du = Total number of dwelling units
- A = Total site area (acres)
- e = Total commercial land (acres)
- i = Total industrial land (acres)
- s = Reserved but undedicated school sites (acres)
- a = Arterial or collector rights of way (acres)
- os = Open Space

**Manufactured Home Land Lease Development:** ~~A residential development, typified by single ownership of the land within the development, approved pursuant to this Ordinance for placement of manufactured homes, being used for residential purposes.~~

**Manufactured Home Space:** ~~A plot of ground within a manufactured home land lease development designed for the accommodation of one (1) manufactured home.~~

**Modular Home:** A structure intended for residential use and manufactured off-site in accord with the ~~Uniform~~ *International Building Code*.

**Planned Area Development (P.A.D.):** ~~A development of a minimum contiguous size as specified by ordinance in which flexibility can be sought in the zoning standards in order to encourage more creativity and sustainable design thereby providing usable open space within and about the development and enhancing the natural desert character of the Town. Planned Area Developments shall be subject to Commission and Town Council approval.~~

**Town Council:** The Town Council of the Town of Superior, Arizona. *The Town Council shall also serve as the Board of Adjustment.*

**Zoning Ordinance/Code:** The Zoning Ordinance of the Town of Superior, Arizona.

**III.** The Zoning Map has been updated to show streets, actual zone boundaries, changes in zoning classifications, and replacement of the lands zoned R1-190 (4.5 acre minimum) to the Rural Residential (2 acre minimum).

**Attachments:**

Resolution No. 17-04

Revised Official Zoning Map